PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Wednesday, 10 August 2005

(extract from Book 1)

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By authority of the Victorian Government Printer

The Governor

JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AM

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Minister for Consumer Affairs and Minister for Information and Communication Technology	The Hon. M. R. Thomson, MLC
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Legislative Assembly committees

Privileges Committee — Mr Cooper, Mr Herbert, Mr Honeywood, Ms Lindell, Mr Lupton, Mr Maughan, Mr Nardella, Mr Perton and Mr Stensholt.

Standing Orders Committee — The Speaker, Ms Campbell, Mr Dixon, Mr Helper, Mr Loney, Mr Plowman and Mrs Powell.

Joint committees

Drugs and Crime Prevention Committee — (*Assembly)*: Mr Cooper, Ms Marshall, Mr Maxfield, Dr Sykes and Mr Wells. (*Council*): The Honourable S. M. Nguyen and Mr Scheffer.

Economic Development Committee — (*Assembly*): Mr Delahunty, Mr Jenkins, Ms Morand and Mr Robinson. (*Council*): The Honourables B. N. Atkinson and R. H. Bowden, and Mr Pullen.

Education and Training Committee — (*Assembly*): Ms Eckstein, Mr Herbert, Mr Kotsiras, Ms Munt and Mr Perton. (*Council*): The Honourables H. E. Buckingham and P. R. Hall.

Environment and Natural Resources Committee — (*Assembly*): Ms Duncan, Ms Lindell and Mr Seitz. (*Council*): The Honourables Andrea Coote, D. K. Drum, J. G. Hilton and W. A. Lovell.

Family and Community Development Committee — (*Assembly*): Ms McTaggart, Ms Neville, Mrs Powell Mrs Shardey and Mr Wilson. (*Council*): The Honourable D. McL. Davis and Mr Smith.

House Committee — (*Assembly*): The Speaker (*ex officio*), Mr Cooper, Mr Leighton, Mr Lockwood, Mr Maughan, Mr Savage and Mr Smith. (*Council*): The President (*ex officio*), the Honourables B. N. Atkinson and Andrew Brideson, Ms Hadden and the Honourables J. M. McQuilten and S. M. Nguyen.

Law Reform Committee — (*Assembly*): Ms Beard, Ms Beattie, Mr Hudson, Mr Lupton and Mr Maughan. (*Council*): The Honourable Richard Dalla-Riva, Ms Hadden and the Honourables J. G. Hilton and David Koch.

Library Committee — (*Assembly*): The Speaker, Mr Carli, Mrs Powell, Mr Seitz and Mr Thompson. (*Council*): The President, Ms Argondizzo and the Honourables Richard Dalla-Riva, Kaye Darveniza and C. A. Strong.

Outer Suburban/Interface Services and Development Committee — (*Assembly*): Mr Baillieu, Ms Buchanan, Mr Dixon, Mr Nardella and Mr Smith. (*Council*): Ms Argondizzo and Mr Somyurek.

Public Accounts and Estimates Committee — (*Assembly*): Ms Campbell, Mr Clark, Ms Green and Mr Merlino. (*Council*): The Honourables W. R. Baxter, Bill Forwood and G. K. Rich-Phillips, Ms Romanes and Mr Somyurek.

Road Safety Committee — (*Assembly*): Mr Harkness, Mr Langdon, Mr Mulder and Mr Trezise. (*Council*): The Honourables B. W. Bishop, J. H. Eren and E. G. Stoney.

Rural and Regional Services and Development Committee — (*Assembly*): Mr Crutchfield, Mr Hardman, Mr Ingram, Dr Napthine and Mr Walsh. (*Council*): The Honourables J. M. McQuilten and R. G. Mitchell.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Ms D'Ambrosio, Mr Jasper, Mr Leighton, Mr Lockwood, Mr McIntosh, Mr Perera and Mr Thompson. (*Council*): Ms Argondizzo and the Honourable Andrew Brideson.

Heads of parliamentary departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JUDY MADDIGAN

Deputy Speaker: Mr P. J. LONEY

Acting Speakers: Ms Barker, Ms Campbell, Mr Cooper, Mr Delahunty, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Ms Lindell, Mr Nardella, Mr Plowman, Mr Savage, Mr Seitz, Mr Smith and Mr Thompson

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The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:
Mr R. K. B. DOYLE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
The Hon. P. N. HONEYWOOD

Leader of The Nationals:
Mr P. J. RYAN

Deputy Leader of The Nationals:
Mr P. L. WALSH

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Languiller, Mr Telmo Ramon	Derrimut	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Leighton, Mr Michael Andrew	Preston	ALP
Asher, Ms Louise	Brighton	LP	Lim, Mr Hong	Clayton	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Barker, Ms Ann Patricia	Oakleigh	ALP	Lobato, Ms Tamara Louise	Gembrook	ALP
Batchelor, Mr Peter	Thomastown	ALP	Lockwood, Mr Peter John	Bayswater	ALP
Beard, Ms Dympna Anne	Kilsyth	ALP	Loney, Mr Peter James	Lara	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Lupton, Mr Anthony Gerard	Prahran	ALP
Bracks, Mr Stephen Phillip	Williamstown	ALP	McIntosh, Mr Andrew John	Kew	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	McTaggart, Ms Heather	Evelyn	ALP
Buchanan, Ms Rosalyn	Hastings	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maughan, Mr Noel John	Rodney	Nats
Carli, Mr Carlo	Brunswick	ALP	Maxfield, Mr Ian John	Narracan	ALP
Clark, Mr Robert William	Box Hill	LP	Merlino, Mr James	Monbulk	ALP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Delahunty, Mr Hugh Francis	Lowan	Nats	Munt, Ms Janice Ruth	Mordialloc	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Dixon, Mr Martin Francis	Nepean	LP	Nardella, Mr Donato Antonio	Melton	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
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Garbutt, Ms Sherryl Maree	Bundoora	ALP	Perton, Mr Victor John	Doncaster	LP
Gillett, Ms Mary Jane	Tarneit	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Plowman, Mr Antony Fulton	Benambra	LP
Haermeyer, Mr André	Kororoit	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Hardman, Mr Benedict Paul	Seymour	ALP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Harkness, Mr Alistair Ross	Frankston	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Helper, Mr Jochen	Ripon	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Herbert, Mr Steven Ralph	Eltham	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Lyndhurst	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Kenneth Maurice	Bass	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Sykes, Dr William Everett	Benalla	Nats
Hulls, Mr Rob Justin	Niddrie	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Ingram, Mr Craig	Gippsland East	Ind	Thwaites, Mr Johnstone William	Albert Park	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Trezise, Mr Ian Douglas	Geelong	ALP
Jenkins, Mr Brendan James	Morwell	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wilson, Mr Dale Lester	Narre Warren South	ALP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wynne, Mr Richard William	Richmond	ALP

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WEDNESDAY, 10 AUGUST 2005

Wednesday, 10 August 2005

The SPEAKER (Hon. Judy Maddigan) took the chair at 9.32 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion 298 to 319 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to the house:

Racial and religious tolerance: legislation

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws the attention of the house to the decision of the Victorian Civil and Administrative Tribunal in the complaint against Catch the Fire Ministries by the Islamic Council of Victoria, dated 17 December 2004. The decision has highlighted serious flaws in the Racial and Religious Tolerance Act 2001 which restrict the basic rights of freedom of religious discussion.

The petitioners therefore request that the Legislative Assembly of Victoria remove the references to religious vilification in the Racial and Religious Tolerance Act 2001 to allow unencumbered discussion and freedom of speech regarding religion and theology.

By Dr SYKES (Benalla) (67 signatures)

Schools: religious instruction

To the Legislative Assembly of Victoria:

The petition of citizens of Victoria concerned to ensure the continuation of religious instruction in Victorian government schools draws out to the house that under the Bracks Labor government review of education and training legislation the future of religious instruction in Victorian schools is in question and risks becoming subject to the discretion of local school councils.

The petitioners therefore request that the Legislative Assembly of Victoria take steps to ensure that there is no change to legislation and the Victorian government schools reference guide that would diminish the status of religious instruction in Victorian government schools and, in addition, urge the government to provide additional funding for chaplaincy services in Victorian government schools.

The petition of citizens of Victoria [is] concerned to ensure the continuation of religious instruction in Victorian government schools and to provide additional funding for school chaplains.

By Dr SYKES (Benalla) (15 signatures)
Ms ASHER (Brighton) (22 signatures)
Mr STENSHOLT (Burwood) (27 signatures)
Mr ROBINSON (Mitcham) (76 signatures)
Ms MUNT (Mordialloc) (138 signatures)
Mr COOPER (Mornington) (24 signatures)
Mr THOMPSON (Sandringham) (124 signatures)
Mr WALSH (Swan Hill) (49 signatures)

Schools: religious instruction

To the Legislative Assembly of Victoria:

The petition of citizens of Victoria concerned to ensure the continuation of religious education in Victorian schools draws out to the house that under the Bracks Labor government review of education legislation the future of religious education in Victorian schools is in question, and the petitioners therefore request that the Legislative Assembly of Victoria take steps to ensure that there is no change to legislation which would diminish the status of religious education in Victorian schools and, on the contrary, require the government to provide additional funding for chaplaincy services in Victorian state schools.

The petition of citizens of Victoria [is] concerned to ensure the continuation of religious education in Victorian schools.

By Dr SYKES (Benalla) (51 signatures)
Mr THOMPSON (Sandringham) (11 signatures)
Mr WELLS (Scoresby) (18 signatures)

Tabled.

Ordered that petition presented by honourable member for Scoresby be considered next day on motion of Mr WELLS (Scoresby).

Ordered that petition presented by honourable member for Mornington be considered next day on motion of Mr COOPER (Mornington).

Ordered that petition presented by honourable member for Burwood be considered next day on motion of Mr STENSHOLT (Burwood).

Ordered that petitions presented by honourable member for Benalla be considered next day on motion of Dr SYKES (Benalla).

Ordered that petition presented by honourable member for Swan Hill be considered next day on motion of Mr WALSH (Swan Hill).

DOCUMENTS

Tabled by Clerk:

Statutory Rule under the *Dangerous Goods Act 1985* — SR No 96

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 96.

MEMBERS STATEMENTS

Abbotsford: convent site

Mr WYNNE (Richmond) — I rise to inform the house that the historic Abbotsford convent and Collingwood Children's Farm are going to be protected for future generations, thanks to the actions of the Bracks government.

On Sunday, 9 July, the Premier announced that the northern car park in St Helliers Street, Abbotsford, would be retained in public ownership to meet the requirements of the farm and convent. In 2001 we made a landmark decision to protect the convent from private residential development agreed to by the former Kennett government. We have now secured the future of this site as an arts, education and cultural precinct for all Victorians.

The government has also transferred the Lourdes building on the northern site to the City of Yarra for the provision of critically needed child-care places at no cost to the council. Both decisions constitute a major win for the community. They are the culmination of a long battle by the community to preserve this historic asset for the future benefit of the community.

I am very proud to have played a role in this struggle over a number of years on behalf of the community. I urge the public and all members in the house to come down and visit one of my electorate's most treasured locations on the bend of the river, saved forever, and now in public ownership — thanks to the actions of the Bracks government.

Yarra Valley Water: billing

Mr PLOWMAN (Benambra) — As a result of an internal audit of billing records of Yarra Valley Water, property owners who are serviced by metropolitan water authorities are now receiving refunds totalling $17 million for incorrect water and sewerage charges that have been levied on multiple premises rather than on the one title. Despite the fact that this billing error was not the fault of the property owners, they have been instructed by letter from the water authorities that it is their responsibility to ensure these refunds are passed onto their tenants and dealt with appropriately and equitably.

The government is responsible for the administration of these water authorities, and given that the refund cheques include the wrongly billed water and sewerage charge and an interest component, this now puts the onus of responsibility on the property owner to ensure the payment is apportioned to each tenant accurately. I ask the minister to explain why the government has handballed the liability for the distribution of these refunds to property owners, who now must pay their own accountants to work out the refunds due to their tenants. This clearly is a government responsibility, and the government is shirking its responsibility and putting it onto the property owners.

Karingal Children's Hub: funding

Mr HARKNESS (Frankston) — The Minister for Education Services joined me last Thursday to announce even more funding for a $4.9 million project to revolutionise early childhood education, health and welfare services for Frankston families. The Karingal Children's Hub, which is to be built at the Karingal Primary School, will provide young children and their families with a comprehensive range of early childhood services. The Bracks government is providing $1.5 million towards this groundbreaking project, which will make Frankston an even better place in which to live, work and raise a family. The Department of Education and Training is providing $1 million through the Community Facilities Fund. The Minister for Community Services joined me in Karingal last year and announced funding of $500 000 from the Department of Human Services, and Frankston City Council has committed to a contribution of between $2.5 million and $3 million.

The Karingal Children's Hub will feature three prep classrooms, a full-sized gymnasium, a maternal and child-care centre, a preschool, a neighbourhood house, an out-of-school-hours child-care facility and a family resource centre. The Karingal Children's Hub is a great example of the health, welfare, early childhood and education sectors working together to provide a seamless service for the local community. It is a joint project, and I want to congratulate Mandy Gatliff from the council for all her effort and hard work; the former school principal, Russell Gascoigne; and the new principal, Chris Gay. This new centre will provide a modern, one-stop shop to support families in Frankston in caring for their children. Local families will no longer need to travel to a range of locations to access the services they need. This centre will provide the

mums and dads of Karingal with first-rate family services right on their doorstep.

Lowan electorate: arts events

Mr DELAHUNTY (Lowan) — I take this opportunity to congratulate the organisers of three arts events that have been held recently in the Lowan electorate. The first is the Regional Arts Australia biennial national conference, called Meeting Place, which was held in Horsham and Natimuk. Last month in Sydney the Horsham Rural City Council and Regional Arts Victoria received national recognition, winning the Toyota Community Award for hosting Meeting Place in 2004. Meeting Place was part conference and part festival, but all art. The whole event was about inspirational arts and community involvement. It included contemporary artwork, music, innovative animation, aerial dance and shadow play using the 30-metre high Natimuk silos. As one delegate said, 'Amazing, brilliant, innovative. It hit the mark like no other performing arts I have seen'.

The second event is the Awakenings Festival, which won a commendation at the Australian Business Arts Foundation awards. This festival is held each year in October and provides innovative opportunities for people with disabilities to access the performing arts. I have seen how Awakenings has changed the lives, health and wellbeing of people with disabilities.

The third event was the performance by the Australian Ballet's Dancers Company of *The Nutcracker* in Hamilton last month. This was an excellent performance by many young and talented dancers in front of a full house and very appreciative audience in the performing arts centre. These events and many others highlight the fact that Lowan is a vibrant regional arts community which is recognised as fostering strong relationships between business, the community — particularly volunteers — and the arts. If you want to see good arts, come to the Lowan electorate.

Outer Eastern Local Learning and Employment Network

Ms BEARD (Kilsyth) — Last Monday, 8 August, I was delighted to launch the *What Else?* booklet, a guide to alternative education pathways for young people in the outer east. The booklet was developed by the Outer Eastern Local Learning and Employment Network (OELLEN). It provides a starting point for schools, parents, community organisations and anyone working with young people to re-engage young people in employment, education and training. *What Else?* has a comprehensive list of courses, programs, contacts and services and is an easy reference guide. Many young people who are at risk of dropping out of school are seeking alternatives either to support their schooling or in the courses they can access to gain the skills they need to enrol in further education and training or to obtain employment.

Through the work at OELLEN local education providers, employers, councils and other interested parties come together as a group, which has a significant impact on assisting young people to make the transition to further education and training or employment and to identify possible problem areas and shortfalls. With the growing emphasis on community involvement it makes so much sense for networks of partners to work together towards the goal of better training, education and employment for our young people. I congratulate Fiona Purcell and the team at OELLEN, which operates from the Swinburne TAFE campus at Croydon in the electorate of Kilsyth. Their continuing dedication to and support of young people in this area is outstanding and very much appreciated. I congratulate those involved in the inception of the *What Else?* booklet, which will become a well-used community resource for young people in our area.

Public transport: Mornington Peninsula

Mr DIXON (Nepean) — I wish to quote a statement that a member of this chamber made on 17 November 1993. The quote refers to Portsea passenger service route 788, which runs from Frankston to Portsea, and especially to the bus fares.

> The situation with the fares is unfair and discriminatory. It is the only bus route operating from the Frankston railway station that is not part of the Met fare system. Route no. 782, which is a comparable route, goes down to Flinders and is part of the Met's zone 3, which extends to Balnarring. But none of route 788 is covered by the Met system even though Rosebud is as far from Frankston as is Balnarring.

The member I have quoted was consistent in his arguments against the government for six years up to 1999. From 1999 he has been in a position to do something about his rhetoric of the 1990s. The member is the Minister for Transport who confirmed in a recent letter to me that the Bracks government has no plans to include the Mornington Peninsula in the Met. I can assure the minister that his quote will be distributed widely throughout the Mornington Peninsula to remind my constituents the Bracks government will say anything to get elected and when elected does nothing.

The cost of public transport on the Mornington Peninsula is scandalous. An average return fare in zone 1 is $5.80, zone 2 $9.40 and zone 3 $12.30. On the Mornington Peninsula it is $26.90. I ask the minister to

reconsider his refusal to put the Mornington Peninsula in the Met and to act on his own rhetoric.

Mitcham electorate: achievements

Mr ROBINSON (Mitcham) — Lifelong learning is more than a slogan in the Mitcham electorate. Two recent examples bear this out. The first is from Rangeview Primary School, an excellent state primary school under the tutelage of principal, Chris Cotching. The school has been a keen participant in the Premier's reading challenge, which is in itself a terrific initiative. Congratulations are in order to a number of young children who are participating very well in that program. They are Isabelle Bert, Wesley Zagorc, Caroline Bert, Liam Nichols, Emma Sodeman, Bridgette Barry-Murphy, Brendan Lees, Dominic Miller-Randle, Alex Morgan, Rebecca Munzel, Michael O'Malley, Jamie Randall, Timothy Ritter and Michelle Walker. Congratulations to all those students.

In a very different way Forest Hill resident, Kate Fenton, is also demonstrating that age is no barrier to further education. Earlier this year Kate commenced a master of arts course. This is not in itself anything unusual, but the fact is that Kate is 82 years of age and not in great health. She is setting a great example for many other people.

I would also like to place on the record congratulations to Lorraine Hepburn from Juliette Salon in South Parade, Blackburn who recently celebrated 50 years of continuous service to the Blackburn community. In the great tradition of Lorraine she did not want a big fuss made but the Blackburn Chamber of Commerce decided it would make a big fuss over her.

Minister for Tourism: statement

Mr SMITH (Bass) — What a disappointment we had yesterday. For weeks now — no, months — I have asked the Minister for Tourism about statements he made in letters he said he had sent to the federal tourism minister and the federal sport and recreation minister seeking financial support for the MotoGP and the Formula One Grand Prix. Twice the minister has stood in this house and said he had written to the ministers and was awaiting a reply. So were we, except we knew the minister had not written as the federal ministers had not received any mail from him.

After giving the minister two opportunities to tell the house he was mistaken, he came into this house with a mealy-mouthed excuse, blaming public servants for not posting his letters. He said that he signed them, but the junior clerk did not post them. I bet we could get a job for that junior clerk at the Office of Police Integrity. What sort of a rag tag mailing system does the minister have?

He produced two undated letters and said they had been sent. He has admitted he was lying then, and he misled the house again yesterday. I do not believe the minister can tell the truth. Where is the accountability that the Premier talked about? The minister has misled this house now three times and he should either resign or be sacked.

Melbourne Storm: 100th home game

Mr LOCKWOOD (Bayswater) — The Melbourne Storm NRL team will play its 100th home game this weekend at Olympic Park against the New Zealand Warriors. This is a momentous occasion for Storm. In its short history it won the NRL premiership in 1999 and it has rarely failed to make the finals.

Melbourne should get behind the Storm. It is the only Melbourne team established here, developing local talent and travelling to other states and New Zealand to take on all comers — and more often than not to win.

It has some great players: Robbie Kearns, Scott Hill, and the exciting Billy Slater. It also has some wonderful up-and-comers such as Cooper Cronk and Greg Inglis, and there is a locally grown product in Jeremy Smith. The Storm has engaged in a strong junior development program to ensure a flow of local Melbourne players in the top side in years to come. Every team needs great coaching staff, and we have that in Craig Bellamy, Dean Lance and Michael Maguire. Of course the club is ably led by Brian Waldron — well known to Melbourne people.

This weekend is a landmark for the Storm. Its 100th game reflects eight years of success, eight years of bringing top-class rugby league to Melbourne, eight years of giving Sydney, Canberra and Brisbane the lesson that they do not own the sport. We not only have our right to the game, we have our right to our own team right here in Melbourne, despite many local media organisations giving us the cold shoulder. Channel 9, which has the broadcast rights, seems to be on a mission to hide the NRL here in Victoria, replaying games in the small hours of the morning and all but ignoring the three state of origin games held each year.

Come on, Channel 9, do not be so myopic! You can do much better. It would be superb to have a state of origin game here in Melbourne next year, bringing a great sporting spectacle to the people of Victoria.

Telstra: sale

Mr SAVAGE (Mildura) — Prime Minister John Howard and Deputy Prime Minister Mark Vaile do not seem to understand that Telstra belongs to every Australian, whether a shareholder or not. The vast majority of Australians are opposed to any further sale of Telstra. In fact the surveys conducted by federal Independent MPs Peter Andren and Tony Windsor in 2003 showed the total opposition to the sale at 98.9 per cent.

The so-called defender of regional Australia, The Nationals, has for years been an enthusiastic supporter of the Telstra sale. I wrote to John Forrest some years ago. He wrote back, calling me a Luddite! The Nationals in Queensland have again refused to endorse the sale without significant conditions, and were it not for the new Queensland senator, Barnaby Joyce, the federal Nationals would have rolled over like John Forrest did years ago. Fortunately, or unfortunately, The Nationals are now threatening to sack Senator Joyce if he crosses the floor. A privatised Telstra would not roll out fibre-optics to regional homes at a cost of $30 billion over 20 years, nor would it install broadband at a cost of $7 billion.

This house should recognise the efforts of Barnaby Joyce. He is a hero in Queensland and the rest of Australia, and probably the best-known senator The Nationals have got, and I hope he does not get the sack.

Norman Kerr and Jack McLean

Mr STENSHOLT (Burwood) — Last week I had the honour of attending an afternoon tea at the Surrey Hills neighbourhood centre in honour of two long-term volunteers. Norman Kerr and Jack McLean recently retired from volunteering at the Surrey Hills centre.

Jack had been a volunteer there for 12 years and was invaluable as a pianist at the regular monthly singalongs. He has always been ready to step in as a receptionist at the centre, even at very short notice. I have seen him in the office there — answering the phone and helping locals with their inquiries.

Norm Kerr has been a regular for the last 25 years or more, helping with all sorts of tasks in the centre, organising the distribution of Surrey Hills neighbourhood news, setting up the monthly craft market and generally just being there to help whenever needed. Norm is a legend in his own lifetime. He has kept meticulous score books of all Australian cricket tests since the 1930s. He was up last week following the Edgbaston test, as he has done for the last 60 or so years. His wife, Mary, has also been a marvellous and dedicated volunteer for many years.

These two fine gentlemen will certainly be missed as volunteers at the neighbourhood centre. I hope they will call in often and visit for a chat and a cup of tea whenever they like. They will be very welcome.

Carp: control

Dr NAPTHINE (South-West Coast) — I wish to raise concerns about the lack of effective action to control European carp in Rocklands Reservoir and the Glenelg River. I urge the government to listen to experienced and concerned local anglers, who know that the best and most cost-effective way to control carp in these waterways is by the regular release of predatory Australian native fish — for example, the Australian bass, which evidence increasingly shows is native to these waters.

I also express real concern about the current netting program that is being used to check for carp in these waterways. Regular netting has been in place since January 2001. However, analyses of 70 netting efforts have shown that 1400 non-target species have been caught, including 8 platypus, 8 rare spine-back crayfish, 406 long-neck turtles, 103 short-finned eels and 164 blackfish, among others.

I am advised that these local non-target species are returned to the river, but I am also advised that many simply float away when they are returned to the river because they are already dead or dying. I think it is an absolute disgrace that in trying to assess whether there is carp in the river the catchment management authority is effectively killing platypus and rare native spiny crayfish.

I urge the government to stop the netting program and to replace it with stocking Rocklands and the river with Australian bass, which are predators of carp.

Trams: East Burwood line extension

Ms MARSHALL (Forest Hill) — It was with great pleasure that I, along with many other members, on 23 July attended the opening of the Vermont South tram extension in my electorate of Forest Hill. I commend the work of the Bracks government and the commitment it has shown to the development of public transport infrastructure in the eastern suburbs. Every day during its construction the extension has served as a reminder to the constituents of Forest Hill of the importance the government has placed on ensuring the public transport system is not only up to date but is provided in a way designed specifically to satisfy the

individual needs of each area — which has clearly been achieved here.

The line now extends 3 kilometres, from the old terminus in East Burwood at the corner of Blackburn Road right up to the Vermont South shopping centre. It was officially opened by the Minister for Transport, and the opening was attended by many local dignitaries. This tram extension will result in further improvements to transport services in Melbourne's eastern suburbs, providing even more growth opportunities for the area. The extension will operate in conjunction with an improved SmartBus service, which will operate between the Vermont South and Knox City shopping centres. Every tram will be met by a bus to Knox City — nearly doubling the current frequency of the route 732 bus.

This is great news for all Forest Hill electorate residents, as it will provide greater access to the excellent services and facilities in and around the area while simultaneously providing a better link to metropolitan Melbourne. The increased frequency of and accessibility to local buses and trams will ensure a more efficient, convenient and user-friendly public transport system for all of us.

Housing: rents

Mrs POWELL (Shepparton) — I bring to the attention of the house the Bracks Labor government's greedy grab for more weekly rent from people in Office of Housing properties, many of whom obviously cannot afford to pay more rent. I also highlight the underhanded, unfair way this government is doing it.

I had a phone call from a constituent, Ms Leeanne Bensch, who rents a house from the Office of Housing. On 1 July Leeanne received a letter from the Department of Human Services advising her that her rent may be increased from 25 October. The reason given was that the federal government has increased the family tax benefit lump sum supplement to $613.20 per child and that this supplement, or bonus, will now be included in household income. The supplement is only available after the end of the financial year, when payments are balanced and after tax returns have been lodged. It is used to top up entitlements or offset any overpayments. It is seen as a bonus for people who accurately assess their annual income. The supplement is paid only once a year, yet the Office of Housing will be calculating it on a weekly average and increasing the rent weekly.

It is totally unfair that the federal government supplement will be taken by the state government as rent, instead of what it was obviously intended for. In the past Leeanne Bensch has used the bonus to buy clothes, shoes and school items for her primary-school-aged child, as others have also done. Now her child and many others will miss out. The Bracks government should be ashamed that it is dipping its greedy hands into the pockets of people who need that extra money to use for the benefit of their children. I ask the state government to stop this unfair practice.

North Geelong Secondary College: futsal championship

Mr TREZISE (Geelong) — Recently I had the pleasure of presenting to the North Geelong Secondary College futsal team the year 10 Victorian championship trophy. For the information of the house, futsal is an indoor version of the world game of soccer. Each side consists of five players, and the game is essentially played under the same rules as the outdoor version — to an untrained eye, anyway. I have watched a game and can assure members that futsal is a great game that is fast and very skilful.

At the Victorian championship at half-time North Geelong Secondary College was down 6 goals to 1. The team's never-say-die attitude saw it kick 7 goals in the second half, to win 8 goals to 7 — a magnificent effort in anybody's terms. North Geelong was represented by Semir Bisanovic, Kushtrim Berisha, Slobadan Deronjic, Enes Eren, Paule Petreski and Michael Lesic, with teachers Donna Shell and Rob Munro. The school can now represent Victoria at the Australian championships in Sydney in September, but it is battling to raise enough funds to go. Hopefully a major sponsor can be found.

I congratulate the North Geelong Secondary College futsal team and wish all its members well for the future — they deserve it.

Drugs and Crime Prevention Committee: public drunkenness

Mr COOPER (Mornington) — In June 2001 the Drugs and Crime Prevention Committee of this Parliament tabled a report on its inquiry into public drunkenness. This was a significant report into a major issue. Public drunkenness is a serious health and social problem which, while it crosses into all areas of society, has a disproportionate impact on indigenous communities.

The most important of the 49 recommendations by the committee was that public drunkenness be decriminalised provided that three other requirements

were met. Those three requirements are that legislation with regard to civil apprehension and detention of intoxicated persons be enacted; that adequate numbers of sobering-up centres and associated services be established, and that comprehensive training be provided for police officers and the staff of sobering-up centres.

It is particularly disappointing for me that in the four years since that report was tabled there has been no action from the government to implement those important recommendations. The failure of the government to act says a lot about its lack of commitment to deal with this major issue. Alcohol is the most widely used and socially acceptable drug in Australia, and is one of the most dangerous. In 1997 there were 3668 deaths in Australia attributed to alcohol, and the issue of public drunkenness was an integral aspect of the deliberations by the Royal Commission into Aboriginal Deaths in Custody.

With those alarming facts in mind, just what is holding this government back from taking positive action? The message to the government is to stop mucking around and do what it should to deal with this problem.

Keilor electorate: underground powerlines

Mr SEITZ (Keilor) — I would like to congratulate the Minister for Energy Industries and Resources in the other place, the Attorney-General, AGL, Brimbank City Council and the Bracks government. Those three organisations — AGL, the Bracks government and Brimbank City Council — got together to solve a problem in my electorate, with powerlines going past schools and the township of Keilor. The lines will now be undergrounded because of funds provided by these three organisations. This is a good example of how the two tiers of government can work together and listen to the community. The community campaigned to underground these high-voltage electricity cables that will service the growing needs of Sunbury.

I am pleased that my campaign to support this project has been successful; that we have achieved the undergrounding of the cable for Brimbank, Keilor and the outer west, rather than having high-voltage powerlines overhead near the Keilor village. I should also congratulate the people of Keilor who sent petitions and letters to me asking me to lobby the energy minister in the other place. The completion of the project will now come to fruition.

The SPEAKER — Order! The member's time has expired.

Colleen Marion

Mr MILDENHALL (Footscray) — Congratulations to Colleen Marion, the prominent indigenous community leader in Melbourne's west, on being awarded the 2005 White Flame award by Save the Children Victoria. The award honours a Victorian citizen who has made an outstanding commitment to serving the needs and protecting the rights of children.

Over the last couple of years Colleen has led the development of the Indigenous Gathering Place — a one-stop shop for services for the indigenous community at Highpoint Shopping Centre. There is now an impressive range of community services including health, community safety, transport, and youth development services available and delivered from this dynamic centre.

Colleen has also raised the profile of the rich cultural heritage and talents of the indigenous community through her leadership of the NAIDOC (National Aborigines and Islanders Day Observance Committee) Week celebrations, which have included art exhibitions, social events and moving ceremonies. Like Jim Stynes, Justice John Fogarty and Les Twentyman before her, she is a worthy winner of this award and an inspiration to her community.

Harrisfield Primary School: 50th anniversary

Mr ANDREWS (Mulgrave) — On 30 July I had the very great pleasure of attending an important event in my local community. The occasion was the 50th birthday celebrations at the Harrisfield Primary School on the Princes Highway. The Harrisfield Primary School community celebrated the day by opening the school up to local residents and welcoming back past students and staff.

The program of events included musical performances by past students; a performance by the local choir group, the Harrisfield Harmonies; a sausage sizzle; the closing of a 25-year time capsule, and a dinner dance held at Noble Park Secondary College. I was honoured to be able to make a presentation on behalf of the Premier and the Minister for Education and Training, and to offer my congratulations on this special occasion. Many hundreds attended the celebrations, and the day was a resounding success.

Much has changed in 50 years. Back in 1955 Harrisfield and Noble Park were more like villages than suburbs in middle or outer Melbourne. The local community was far less diverse and quite a bit younger, with many young families making a new life in a

growing community. But much has remained the same. Harrisfield is still a hardworking and proud community where people look out for one another. It is a community that has a real sense of identity and a sense of shaping the future together. My electorate office is adjacent to the Harrisfield shops and I have visited Harrisfield Primary School regularly over the last three years.

It is a great school and a great local community to be part of. I am sure Harrisfield Primary School will continue as a centre of excellence and an important institution in our local community. I congratulate all those involved in organising the 50th birthday celebrations, especially school principal Fran Luke, the members of the school council and the president of the anniversary committee and 1955 student, Allan Stark. Well done, and all the very best for the future!

Old Colonial Cookie Company

Ms McTAGGART (Evelyn) — I would like to draw the attention of the house to the Old Colonial Cookie Company, which is based in Lilydale in my electorate. This locally based company was awarded the 2005 Premier's Food Victoria award for export. I would like to congratulate Howard Dray, the managing director, and his team on winning this prestigious award. The Premier's Food Victoria awards are proudly run and sponsored by WorkSafe Victoria. They showcase industry achievements and capabilities, set a benchmark for industry excellence and highlight individual company success stories such as this.

To win this award is a great achievement. The Old Colonial Cookie Company demonstrated outstanding excellence in export and was also checked for financial stability; safe workplaces, through WorkSafe Victoria; environmental responsibility, through the Environment Protection Authority; and food safety, through the Department of Human Services. The company is to be commended for exploring new opportunities in overseas markets and for its commitment in overcoming obstacles to achieve export goals.

The business is a specialty Australian-owned and operated shortbread manufacturer, producing Butterfingers shortbread and Landers Australian. These products exist in some 35 different packaging forms for local and export markets. I have visited the factory in Lilydale and have been known to purchase some delicious, fine-quality shortbreads for community morning teas.

Congratulations once again to Howard and Sandra Dray and the staff on winning this prestigious award, and I wish them every success for the future.

Clifton Springs Primary School: healthy eating program

Ms NEVILLE (Bellarine) — I want to speak briefly about the Family and Community Development Committee report on body image and to acknowledge the efforts of the Clifton Springs Primary School in my electorate, which presented to the committee a program it has introduced that relates to a whole-of-school approach to healthy eating and living. The program is focused not on how you look or your weight but on brain energy and brain food. The kids can bring healthy snacks to school — they eat them throughout the day in class — and the program has improved energy and concentration levels.

The ACTING SPEAKER (Mr Seitz) — Order! The member's time has expired, and the time for members statements has expired.

GRIEVANCES

The ACTING SPEAKER (Mr Seitz) — Order! The question is:

That grievances be noted.

Office of Police Integrity: police files

Mr WELLS (Scoresby) — I grieve for the Victorian public and share their disbelief in the Bracks government's handling of the Office of Police Integrity (OPI) fiasco. I have been a shadow minister now for five years, and I have never seen such a bungle. Over the last five years we have seen police corruption issues, gangland killings and connections between police who are corrupt and the underworld. But I would like to first outline what happened in the case that is currently before Parliament, the government, the Office of Police Integrity and the Ombudsman.

The basis of a complaint by, we shall say, Mrs X, is that a police officer — Senior Constable Y, who is stationed in country Victoria — deliberately and illegally breached privacy laws and police ethical standards by accessing the police law enforcement assistance program (LEAP) database records of Mr and Mrs X for her own information and gain on two separate occasions. In other words, it is alleged that Senior Constable Y accessed the LEAP database inappropriately to seek information that could be damaging to Mr and Mrs X.

Senior Constable Y was found to have inappropriately accessed Mrs X's LEAP records and was counselled in 2002. The OPI and the ethical standards department (ESD) found that there was no case to answer on subsequent breaches. The reality is that the senior constable had been caught once inappropriately accessing these files, and the punishment at that particular time was that she was to be counselled. Then Mrs X complained to the OPI in 2004 about further alleged breaches of her privacy by Senior Constable Y during the period 2002–04.

Mrs X recently received a grossly misleading reply from the Office of Police Integrity in relation to her complaint. However, she was also incorrectly forwarded the case working files of the OPI, which provide evidence that the OPI has misled her. These working files clearly reveal that Mrs X was greatly misled by the OPI and provide a valuable insight into the current problems in our institutional and organisational structures in dealing with unethical police behaviour and corruption.

The OPI wrote to Mrs X stating that there was no record of inappropriate access to her or her husband's LEAP records between 2002 and 2004. However, the working files contain evidence that the ESD asked the OPI to cut the period of the LEAP audit from two years to five months. Why, and why did the OPI advise that an audit had been done for a two-year period when clearly it had not? The files reveal that a police member — for the sake of protecting people who do not need to be named we will call that person Senior Constable Z — checked Mr X's file on the LEAP data system at 5.54 a.m. on 6 April 2004. Ten pages of LEAP were searched. Senior Constable Z is apparently a close friend and work colleague of Senior Constable Y. Why was a check conducted? What were the roster details of senior constables Y and Z on that day? Why does the OPI state that the files of Mr and Mrs X were not accessed?

There is clear evidence, beyond belief, that there is a cosy relationship between the OPI and Victoria Police's ESD. That creates serious doubts about the real independence of the OPI in the investigation of police complaints. The OPI appears to have been grossly incompetent in breaching the privacy of many individuals by forwarding the LEAP records to Mrs X. Details disclosed include sexual offences, domestic violence, mobile phone numbers and whether the person is gay or not. The records also list a large number of victims and give details of private addresses, mobile phone numbers and home phone numbers. The names and personal details of approximately 450 persons have been inadvertently disclosed to Mrs X in a major breach of privacy. The major concern is the OPI is really operating as part of the ESD.

I refer back to the matter raised in this Parliament prior to the 2002 election when the Minister for Police and Emergency Services at that time came into this house — I know the member for South-West Coast was in the chamber with me at the time — and disclosed the private details of a situation relating to Liberal candidate Matthew Guy. The only way he could have known that information was if information from police records had been passed on to him. As a result, the Liberal Party asked the Chief Commissioner of Police to check and find out whether other Liberal members of Parliament or candidates had been checked in the LEAP system. Mine came back as a negative, saying that it had not been checked, but I am now not so sure whether the check was thorough. I am not so sure now that they did the job thoroughly; and I am not so sure that, if they did the job thoroughly and found something, I was told the truth.

We now have clear evidence. A complainant asked for a check to ensure there had been no checking of her or her husband's files. They were checked and 10 pages were found, but then they wrote back to her saying there had been no check of her file on the LEAP system. I would now put in doubt the assurances about all those Liberal Party members and candidates at that time. These files contained 500 pages and 450 names. The OPI was set up to investigate police corruption including inappropriate access to the LEAP system.

Inappropriately accessing the LEAP system and inappropriately releasing files to the public are sackable offences. In these files there were mobile phone numbers, victims' names, private addresses and full addresses. If it had been a police officer who had found and checked those LEAP details and sent them out to the public, there would be no question that the severity of the offence would lead to that police officer's sacking. That is why we on this side of the house find it totally unacceptable that the police minister and George Brouwer, the director, police integrity, who is also the state Ombudsman, have said, 'It is a simple clerical error'. No-one believes it, and that is why this problem is becoming messier.

The second problem we have, apart from the 500 pages being given to a member of the public, is the cosy relationship between the ethical services division and the Office of Police Integrity. This is the point that the government has missed. It does not understand the severity of it, does not understand that you cannot say to a complainant, 'There has been a thorough check over a two-year period between 2002 and 2004', when

an email clearly shows that the check had been cut back to five months. You cannot tell a complainant that there has been no inappropriate access and then find that there are 10 pages recording inappropriate access.

As I just indicated, the responses have been disappointing, and that is why the story is getting bigger, unfortunately for the government. It will get to a stage where it will not be able to control it. I quote from the *Age* of Saturday, 6 August:

> Police minister Tim Holding said it was a regrettable incident, but that initial investigations indicated the leak was the result of a one-off administrative error rather than a 'systemic' fault.

But there is no mention of the incompetence of the OPI. The director of the OPI, George Brouwer, said:

> OPI regrets the clerical error in the mail dispatch area resulting in the enclosure of an OPI file with a letter to the complainant …

Not even George Brouwer, the director of the OPI, understands that the Liberal Party has greater concerns than just the leak — that is, the level of incompetence. We now have a situation where Victorians will not feel comfortable going to the director, police integrity, with a complaint, because the evidence is quite clear that the OPI does not have the investigative skills or the competence to investigate it.

The director, police integrity, Mr George Brouwer, also said that he had written to the complainant apologising for the error and had indicated that he would investigate any matters of concern. Firstly, we would want to know whether the 450 people concerned — especially the victims — will be contacted and told that their privacy has been breached. These are some of the issues that we will be following through on very carefully.

As I mentioned, the Office of Police Integrity has no credibility. That credibility has been lost with the Liberal Party, the rest of the opposition and the general public. The fact is that you cannot say to a complainant, 'We have investigated it' when it has not been investigated properly and when evidence is found that supports the complainant's case that it has been ignored.

The Liberal Party was in a very difficult situation. We were in discussions with people surrounding this case, and we had the files. We could not go to the Chief Commissioner of Police with this information, because we have learnt from past experience when we have gone to the chief commissioner with a problem that the protocols of the chief commissioner's office clearly state that problems have to go to the Minister for Police and Emergency Services. That is a bizarre situation. Even when I have a matter that directly relates to the operational responsibility of the chief commissioner, she in turn will send my letter to the minister for police. For example, if I had a situation where I believed there was corruption relating to a political party and I wrote to the chief commissioner, under the current scenario she would then pass that on to the minister for police. It is a bizarre situation. There is no separation of powers in this state.

The second dilemma we had was that we could not go to the Ombudsman and say, 'We have a problem', because the Ombudsman, George Brouwer, is also the director, police integrity. I am not sure how they exchange correspondence or whether they write to each other. But when the government was first setting up this model that was one of the biggest concerns of the Liberal Party. We do not support the model of the Office of Police Integrity because it is not an office that is independent of police. To have a situation where you have the director, police integrity, and the Ombudsman being one and the same person is bizarre.

Looking at the way the model was set up, it is a case of bandaid on top of bandaid on top of bandaid. Let me explain. In response to the corruption exposed in April last year the government said, 'We will give $1 million to the Ombudsman, and that is going to fix the problem'. Within a week the government said it realised — 'No, hang on a minute. This is not right. It is going to have to be $10 million'. The third bandaid was, 'We are going to have to give more resources'. As the Liberal Party pointed out at the time, for the Ombudsman to have to explain to the Chief Commissioner of Police and then have to seek approval for the number of police officers he requires is bizarre. How could the Ombudsman actually investigate something if authorisation for the number of people needed could only come from the chief commissioner?

Then the government said, 'We will set up the Office of Police Integrity' — bandaid no. 4. However, the government realised that a special investigations monitor was needed to oversee the OPI. It then said this was still not enough and it needed to give powers to the Chief Commissioner of Police. Then the government said — it would appear that it was running out of bandaids — 'We need to give telephone-tapping powers to either the Ombudsman or the OPI'. You can understand why the federal Attorney-General, Phillip Ruddock, said, 'We do not believe we should give you telephone-tapping powers. If you cannot control an envelope and a stamp, how in blue blazes could you possibly handle phone-tapping powers?'. Who knows where the phone-tapping powers would end up?

The Liberal Party calls on the Bracks government to appoint a retired judge to look into this fiasco and, until this is done, we will have no confidence in the government.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member's time has expired.

Tertiary education and training: voluntary union fees

Ms NEVILLE (Bellarine) — I rise this morning to grieve for all current and future Victorian students in our higher education system. I grieve because the plans by the federal government to introduce the voluntary student unionism legislation will have a severe impact on their quality of life and their educational experience.

We are all aware of the current debate within the federal Liberal caucus and in the general community. On one side we have the sensible people — the Deputy Leader of the Opposition may go into this category as well — who understand the important role student unions play in delivering key services and activities to higher education students. On the other side we have those driven by ideology. They talk about freedom of association and trade unions, but it is an ideological debate. This morning in the *Age* Michelle Grattan said it well when she said:

> The coalition commonsense goes missing over student unionism.

That sums it up very well. We have got some key senior individuals within the federal Liberal caucus — people like the Prime Minister, John Howard, Tony Abbott and Peter Costello who have always since their student days and during their time on campus argued for voluntary student unionism. This debate has continued over the years, driven by the Australian Liberal Students Federation. That ideology basically focuses on the premise that student unions are trade unions and that they are a political front for the left — and the member for Scoresby just reiterated that. There is the view that somehow student unions are a front for the left. I am not sure where all these members have been, but the reality is that compulsory student union fees are overwhelmingly used to provide services to support students to ensure that they can continue to pursue their education.

Dr Napthine — No compulsory unionism! No compulsory unionism!

Ms NEVILLE — Compulsory? There are compulsory council rates, compulsory taxes, so are we going to go for voluntary taxes and voluntary council rates?

In a letter to federal members of Parliament, the president of the Australian Vice-Chancellors Committee, Professor Di Yerbury, wrote that the AVCC urges all members of Parliament to reach a compromise, as the legislation in its current form will adversely affect Australian universities and, most importantly, their students. She went on in that letter to say:

> You will also have an adverse effect on the job opportunities of and services available to local communities, especially those with a regional campus.

In the last few days even some Liberal senators have raised concerns, saying that the view driving the issue is an outdated ideology. We all deserve a better way of developing policy. I know first hand, having been both the vice-president of a campus union and the president of the National Union of Students, the passion and the drive of that ideology of the Australian Liberal Students Federation. In my time that union was led by another current federal member, Sophie Panopoulos, who regularly visited the office of the National Union of Students and was always a joy to have around, spouting her views on how she hated unions. There was never in any of her discussions a concept of the benefits for students or how we needed to provide services for students and the importance of that. She hated unions, and that was it. This was her drive in life. It may have possibly been the reason she went into Parliament — to drive this legislation through. Again, as I say, this is ideologically driven.

It is not about good policy. It is not about understanding the role student unions play or the importance of student services and amenities on campus. This is about some ideological view of freedom of association, that we do not have to pay compulsory fees, and students know what is best and all of those sorts of things.

Let us have a look at the reality of political activity. It has been said that so much is spent on political activity. In the figures that I have seen — and certainly in my experience — political activity was a tiny component. Let us see what we mean by political activity. Certainly during my time we spent considerable time working with what was then the federal Labor Party about the introduction of the student administration fee. We were involved in committees that looked at the impact that fee was having particularly on women and part-time students. People may remember that was a flat fee. We lobbied about that. We did the work. We justified the fact that this was a regressive fee, and it was deterring

people from going to university. I am pretty proud of that political activity.

We were certainly involved in negotiations to try to stop the introduction of the higher education charge but also in negotiations about how it could be introduced more fairly to ensure that its impact was minimal on people's ability to choose to go to university. We lobbied universities to open more places for mature-age students, which has had enormous benefit particularly for women wanting to go back into the work force. We talked about discounts on public transport, and that discussion has continued. In fact this government listened to current students on this issue in terms of the student concession card. We negotiated discounts on various services across each state.

Yes, let us call that political activity. Surely that activity is about benefits to all students, and I think that is an important component of the work that student unions have done throughout the years. I also think it is important to acknowledge that university clearly is about getting your degree but at the end of the day it is also about adding value to that degree. Universities provide a valid opportunity for all of us to think a bit more deeply about the world we live in, and I would hope that we would all want our students who are in higher education to come out of that process not just with a piece of paper but actually having considered how they are going to contribute in the future to the world in which we all live.

These for me are all legitimate and important political activities that student unions have undertaken over the years, but the reality is it is the other services that are essential to material wellbeing that the vast majority of the money that comes from compulsory student services is spent on — child care, for example. Child care has opened the door to mature-age students, particularly women, who have been able to go back to university only because they have affordable child care provided on campus. We all know how hard it is to get a child-care place in the community. To say people can go and buy one in the broader community is just a myth, because there are not enough child-care places as it is. Child care is one matter.

On the other matter of food services, I attended the Waurn Ponds campus of Deakin University and Griffith University, which are both relatively isolated campuses. It is not like Melbourne University, where you can walk down to Lygon Street and get a meal; that is not possible at those campuses. To have something to eat you need to provide food services on campus. Employment services, legal services, clubs and associations, and sports clubs are also needed.

Comments by the Australian Olympic Committee raised serious concerns about the impact on sporting programs of abolishing compulsory student union fees. They said university sporting programs are subsidised by compulsory levies and that there is a large component for Australian athletics and Olympic Games training. What happens when they go?

Let us take a quick look at Joanne who comes from Mildura to attend, say, Melbourne University. She is 17 years old. She starts life on campus. She goes to the second-hand bookshop to buy her books. She wants to live in a shared house, so she goes to the housing accommodation service on campus, which helps her find one. She goes to the employment service on campus, which gets her a part-time job at the on-campus cafe that is funded by the student union. She then joins the university law society and the basketball club so she can meet friends on campus.

She knows she is not going to use every single service that is provided by the student union. She knows she will use some of them some of the time and some of them often, but she also knows other students will use those services. She certainly hopes that she never has to use the legal service but knows it is there as a backstop if something goes wrong, and she hopes she never needs the union's help in an academic appeals process but again is relieved to know that it is there.

These services are absolutely essential. To say that somehow the market is going to look out for them, that somehow you do not need to charge fees for them and that miraculously someone is going to come in and provide them and they are all going to be available, particularly in isolated and rural communities, is just ridiculous.

In conclusion I refer again to Michelle Grattan's article in this morning's *Age,* which says:

> And the argument advanced in the party room yesterday that the market will provide needed services is not convincing. It's a pity common sense is missing in action.

I urge the federal government to think about the right policy and not be driven by ideology.

Taxis: multipurpose program

Dr SYKES (Benalla) — I rise today to grieve for the crisis in the country taxi industry. The Minister for Transport lacks understanding and does not care about this crisis and the impact it is having on our frail, disabled and needy, particularly in small country communities. Why is the industry in crisis? Because of increased costs and lower incomes.

Costs, particularly fuel costs, have risen as a result of the spiralling global oil crisis and because a large amount of the mileage of country taxis is called 'dead' mileage or 'dead' kilometres; because no fare is paid, the taxi operators feel the pinch. Of course the cost of fuel is higher in country Victoria. There is also the issue of a rising general consumer price index (CPI) and costs associated with complying with government regulation.

On the other side of the coin there has been a decrease in incomes. Many taxi operators report a 20 per cent decrease in income since the government cut back the multipurpose taxi program subsidies last year. Also as a result of the competition from community transport arrangements, taxi operators are missing out on a lot of bread-and-butter activity.

I have come to my conclusions on the situation of country taxis as a result of many discussions with local taxi operators. Most recently I met with the north-east taxi operators on 1 August. The group represents a mix of operators, from small owner-operated taxis in small communities such as Bright, Myrtleford and Euroa to larger operations in Benalla and Shepparton. Operators such as Ken McAulay in Kyabram, Alan Bemrose in Shepparton, David and Pip O'Donoghue in Benalla, Hans Zonneveldt in Cobram, Ian Strang in Wangaratta — he made the news recently in relation to advertising on taxis — Gayle Armstrong in Euroa, Margaret and Jerry Wilson in Bright, Linton and Rebecca Wilson in Myrtleford, and Brian Cuff in Mount Beauty have spoken with me, aired their concerns about the situation with country taxis and offered solutions.

I have also been contacted by many taxi operators throughout the state of Victoria who have expressed their concerns to me via email, fax and phone calls. Andrew Kuhne in Horsham has been particularly helpful in coming up with constructive solutions. Leigh Tait in Rochester, Wayne Ubergang in Hamilton, Stephen Armstrong in Ballarat, Joe Baston in Wonthaggi and Jenny Trewin in Sale expressed to me their concerns about the crisis in the country taxi industry and what needs to be done. I feel I have a reasonable understanding of the situation.

In contrast the Minister for Transport appears to know little about country taxi operations and seems unconcerned about the preferential treatment given to Melbourne taxi, bus, tram and train operators. For example, last year the minister chopped the heart out of the multipurpose taxi program to combat issues associated with fraud but in doing so pushed the viability of country taxis to the limit. Now the minister is partially reinstating that program. Yesterday the minister said that he took decisive, quick action. It took 18 months of lobbying by disability groups, taxi operators, The Nationals, opposition MPs and some Labor backbenchers to get this government to review and change an ill-conceived action. Quick and decisive? Wow!

In Melbourne subsidies are paid to wheelchair accessible taxi operators of $1300 per year, plus $1 a kilometre for call-outs and a $3.30 booking fee. The minister says it is not a subsidy but a fee. Forget the semantics. The reality is Melbourne taxi operators get a carrot to provide a service and country operators do not get one cent, not one brass razoo.

I go further regarding the minister's understanding of the industry and his lack of concern for country operators. The minister said on the ABC on 3 August:

> We are not proposing to subsidise taxi companies. They are private businesses and they have got to operate their businesses on the same basis as everybody else who has got a private business.

The Essential Services Commission says taxis are a proxy form of public transport in the country. The Melbourne public transport system of buses, trams and trains, which are all owned and operated by private companies, receives over $2 billion a year in subsidies. It is that fair? Is that just? Is that reasonable for country taxi operators and the communities they serve?

Rather than just get up here and whinge, as can be the case with some people when they choose to use this platform to raise their concerns, I would like to offer some commonsense solutions which have been developed by country taxi operators who have a feel for the issues with which they are grappling. The fare increase approved by the Minister for Transport of 8 per cent is insufficient. It does not recognise the cost increases over the past five years since there was last a fare increase. An increase of 15 per cent is much more realistic to keep fares in line with other consumer price index and general cost increases. That will cost, but we can also look at some nil-cost solutions — and I repeat, 'some nil-cost solutions'.

Let us look at the better integration of taxis into the community transport systems. It is working in Mount Beauty and Maryborough, where taxis are an integral part of the community transport system. Trained, accredited drivers are able to ferry people around the community to keep their hospital and medical appointments and to do their other activities. It is working, and very often it is a cheaper option. When the government was challenged on the impact of

community cars, the minister was unable to say how many community cars are being funded by the government. The government has not got a handle on the extent of the problem. Taxi operators are saying it is hurting them in small communities. They believe they can work together with the community transport operators and provide a better service to the clients. That is what we all want for our frail, aged and needy, is it not? The Minister for Transport should take that one on board.

Another nil-cost option is flexible working hours in smaller country communities. Why require taxi operators in Bright and Euroa to stay up late at night early in the week? Why not let them have a chance to snooze, build up their energy reserves, have a reasonable family life and be available late on Friday and Saturday nights?

Another nil-cost solution is to remove the restrictive permit system and allow taxi operators to help out in nearby towns when invited to do so by local operators. What about allowing taxi operators in small towns to get their 6 and 12-month roadworthy certificates renewed in the local town rather than having to travel to regional centres? These round trips may involve hundreds of kilometres, and their taxi is out of service for one day. What about sorting out the border anomalies, something near and dear to the heart of the member for Murray Valley, so that cabs can work both sides of the river and not incur the dual accreditation and registration costs? They are all nil-cost, commonsense solutions. What about a level playing field for country taxi operators and country communities?

What about allowing taxi operators to advertise — again an issue near and dear to the member for Murray Valley and other country representatives. In Melbourne and elsewhere tram and bus operators are allowed to advertise. Why can taxi operators not advertise? You can do it in London, and we have imported London cabs to advertise the Commonwealth Games. Let us have a level playing field. As one of the headlines says, it is not even Stevens!

What about having the same subsidies for wheelchair-accessible taxis in country Victoria? What about the $1300 a year fee for operators? What about the $1 a kilometre call-out fee and the $3.30 booking fee? Let us just have the same for country Victorians. We are not asking for more. What about the same subsidies for the purchase of wheelchair-accessible taxis that apply to the purchase of wheelchair-friendly buses? We are only asking for the same, not for more. What about reviewing the multipurpose taxi program, as recommended by the Essential Services Commission? What about looking at broadening the scope of the program, because we are trying to encourage people to live independently and to age in their own homes, where they are comfortable?

There is very little public transport in country Victoria. These people rely on taxis, so let us look at making it easier for them to live independently while remaining in contact with their local community, both for medical services and also for general community activities. Let us make the system more friendly and reduce the seven-page application form down to a couple of pages. Let us lift the cap on individual trips. Currently it has been lifted — generously! — from $25 to $30. The $25 trip cap was set in the 1980s; let us get realistic and put it up to $50. Let us remove the overall cap on multipurpose taxi programs. We should remember that $2 billion in public transport subsidies is provided in Melbourne, while not a brass razoo comes to country taxis and country communities.

Returning to the issue of the Minister for Transport's awareness of and interest in the country taxi crisis, I will forward to taxi operators throughout country Victoria copies of the minister's interview with Kathy Bedford on her ABC program on 3 August, along with the comments he made about the nature of the business not deserving subsidies, despite their being given to private business to operate buses and trams in Melbourne.

I am also going to forward to the taxi operators a copy of yesterday's *Daily Hansard,* in which the minister answered the Leader of The Nationals' question on subsidies for Melbourne taxi operators. Clearly the minister, from his answer, neither understands nor cares about the situation in country Victoria. I am also going to offer the taxi operators a copy of this statement, and I will invite them to discuss these documents with their passengers, particularly the disabled, the needy and the frail elderly. They can judge whether the Minister for Transport and the Premier know and care about the importance of country taxis to country communities.

Before closing I would like to touch on a couple of individual taxi operators who are hurting. Margaret Wilson up at Bright is trying her darnedest to hold her service together, but because of the cutbacks in the multipurpose taxi program she is struggling to provide the 24-hour-a-day, seven-day-a-week service that is expected of her. Margaret is nearly at the end of her tether.

At Myrtleford we see the same situation with Rebecca and Linton Wilson. They are providing a great service,

but with their small community they are struggling to make ends meet. Rebecca and Linton, who have a baby, are the epitome of young Aussie battlers — they are a young family living in a country town, having a go and providing a good service for the whole community, in particular, the disabled, the needy and the frail elderly. My staff went up to help Rebecca learn to fill in the multipurpose taxi program application forms so that she could help her clients by keeping them mobile, living independently and still being part of the country community.

We also have Gayle Armstrong at Euroa, who is doing it hard. Gayle has been so desperate that she has advertised her business on the buy, swap and sell program on the local radio. That is how desperate she is, but the people of Euroa and the Shire of Strathbogie are saying, 'Gayle, please stick around. We need your service: it is an essential service for our community. We want to support you'. I am hopeful that the Shire of Strathbogie will look, for example, at integrating the community transport system to ensure that taxis can be a cost-effective component of it and so we can have taxis in Euroa and elsewhere making a further contribution to the wellbeing of our community.

Country taxis are in crisis. The Minister for Transport appears neither to fully understand nor to care about the issue. I call upon the Bracks government to immediately implement the commonsense solutions suggested by country taxi operators and to live up to its claim of governing for all Victorians rather than continuing its current callous disregard for the wellbeing of country Victorians.

Tertiary education and training: voluntary union fees

Mr STENSHOLT (Burwood) — I grieve for the students of universities in Victoria, particularly the students of Deakin University. The main campus of the university is at Burwood in my electorate, but it also has campuses in Geelong and Warrnambool. They are threatened by the proposed changes to student union fees, or to what is called VSU, or voluntary student unionism. It is also known as TACUFSUF, which is not what you think I said. It stands for the abolition of compulsory up-front student union fees. This is a perfect example of conservative right-wing Liberal dogmatism: it is pure, misplaced ideology.

You need go no further than today's *Age* to read about this in an article on the Liberal students' song book. There are a couple of lovely little ditties there which should not be read into *Hansard*. However, one is called *The Battle Hymn of the Federation*, and I will quote part of it:

> We've seen brave Liberal students
> Fighting dirty left scum.
> The lefties, they've abused us
> But we'll kick them up the …
> Their compulsory student unions
> Out of money they will run
> When VSU comes in.
> Glory, glory Liberal students
> Glory, glory Liberal students.

This just shows the depth of the fanaticism of the Liberal Party. It is triumphal arrogance gone mad, led and supported by Brendan Nelson, John Howard and Peter Costello and their minions, along with Sophie Panopoulos and Mitch Fifield. The proposed changes are of major concern to the students in my electorate at Deakin University. They have put out a postcard which asks students to protest. It quotes Amanda Vanstone saying, 'The voice of dissent is the bell of freedom'. You would think the Liberal Party would understand that, but it does not. It wants to trample on students' rights. This card says, 'Students' rights give uni life. Please show your support'.

On the back it says to the minister, 'Please accept this postcard as a petition of protest against the introduction of the federal government model into the state of Victoria'. What is Brendan Nelson proposing? He has introduced into Parliament a bill which is part of his broader program of so-called higher education reforms. It prohibits universities from charging any fees not directly related to students' courses of study, and it contains financial penalties of $100 per commonwealth supported student if the providers levy students for anything that is not directly associated with their courses of study.

It brings to mind that outrageous Western Australian higher education act which had an opt-in clause rather than an opt-out clause. That particular model is quite different from the current system here in Victoria. The Victorian system of voluntary student unionism is one whereby a fee is given to provide student services, collected by the university. The university then determines the allocation of the fee. A student may opt out of being a member of the student union; however, the fee continues to be paid, and in most cases funds are dispersed right across the university.

The Deakin University Student Association (DUSA) has been highly praised by the vice-chancellor as being an exceptional organisation which operates under the Victorian system. The compulsory fee is collected by the university, which determines the distribution of the

fee, which is around $130 per semester for full-time students. That is divided between the library, off-campus student support, the university's own student support services and DUSA.

Free membership is available for all students to the DUSA, but they can elect at any time not to be a member of that association. It also has accountability, because DUSA has to negotiate a general service fee agreement annually on how it conducts its business, along with other accountabilities. It also has democratic elections. I am sure the Liberal Party believes in democracy — although I am not sure about that, given that it now wants to change the electoral legislation federally. All student representatives are elected by the general student population on a regular basis. Student associations in Victoria are accountable for the use of moneys received for the student fee surcharge. What could be fairer than that? Except that the Liberals want to change the system!

There is some dissent in the Liberal ranks, as was mentioned in the papers today. I refer to the article in the *Age* by Michelle Grattan, headed 'Coalition common sense goes missing over student unionism' and to another article headed 'Nelson stands his ground on voluntary student unionism'. But there are members who have concerns, like the member for Warrandyte in this place; the two senators from The Nationals — Barnaby Joyce, who was praised by the member for Mildura, and Fiona Nash; and as can be seen in today's *Age*, Liberals Greg Hunt and Senator Alan Eggleston, who has actually written to the Prime Minister, or at least to the minister, regarding this issue.

They have grave concerns about how this will operate, as do the DUSA students, as do I and as does the Victorian government. There are grave concerns over this proposed legislation. We would like to hear the views of members of The Nationals and the Liberal Party in Victoria on the legislation. I would like to hear the views of the member for South-West Coast on how it will affect Deakin University in Warrnambool, how it will affect the student services there and what services are provided through DUSA. They include orientation to university life — —

Dr Napthine interjected.

Mr STENSHOLT — You asked for it; you're getting it! These also include advocacy for all students; festivals and significant days including multicultural day and conferences such as the DUSA postgraduate conference; entertainment including campus balls and other big events such as the Grungestock festival, which is held at Warrnambool; over 100 clubs and societies; the DUSA web site which logs over 600 visitors each day; sporting clubs, facilities and events including the Southern University Games; bookshops owned by DUSA that offer discounts of 10 per cent to all DUSA members; the provision of a book loan scheme for disadvantaged students; services including photocopying, binding, laminating and passport photos; food and beverage services; welfare services — such as low-cost housing owned by DUSA, food vouchers, tenancy advice and small short-term loans.

Other services that would disappear include off-campus housing advice and services; student representation with DUSA on university committees and boards; an analysis of issues affecting students; support and assistance for student representatives; research exploring student needs and experiences; support for disadvantaged and/or marginalised groups within the university community; student publications including *Crossfire*, campus news sheets, *econnect*, an electronic fortnightly newsletter that goes to all students, and *Artemis*, the DUSA women's magazine; services for distance students, including coffee clubs; and student lounge areas.

This vast array of services provided by DUSA is under threat by federal minister Brendan Nelson and his proposed legislation. There is now fighting within the coalition and some people are seeing some sense, but I am very concerned that there will be direct funding only for country campuses for particular services. That is not what the university students want. They do not want a partial system whereby students of Deakin University at Warrnambool and Geelong get their sporting facilities and student club activities paid for by a special federal government grant, but students in Burwood and at Stonnington in Toorak do not have these services paid for. Why should there be such discrimination within the system?

Let me give members some more detail of the possible impact of this proposed legislation on Deakin University. I have mentioned the clubs and societies, of which there are 100 at Deakin University. The biggest cause of attrition in university enrolments is due to a sense of isolation. These are not my words; these are some ideas provided to me by Charlie Sanders, the president of DUSA. She said that first-year attrition rates are at almost 25 per cent across the country and that these students are primarily those who are not connected with their social and cultural networks when attending university for the first time. Many rural and regional students leave university because it becomes overwhelming, but once they engage with networks they tend to stick around more and finish their degrees.

This is significant both for the Australian culture and economically for universities and the jobs market.

Who provides those services? Who provides the networks for the students who come to the universities? It is DUSA, the student organisation. What happens with students who have kids and need child-care services? Currently DUSA subsidises child-care places to the extent of about $60 000 a year; that will disappear under the proposed federal legislation for voluntary student unionism.

What will happen to international students and international student programs unless special arrangements are made for them? We actually need international students for our universities to make sure there is a vibrant student culture, which is a significant selling point for universities. It is a significant industry for Australia. If we do not have the services and a range of activities and programs for them, they will not come to Australia. DUSA provides an excellent international housing service for international students, providing assistance and support with house hunting and supporting them throughout their tenancies.

There are many other aspects which I could go on about in regard to the benefits of the student association, particularly at Deakin University. I call on The Nationals and the Liberal Party to join with the Deputy Leader of the Liberal Party in this house and condemn the proposed federal legislation on voluntary student unionism.

Port Phillip Bay: channel deepening

Mr HONEYWOOD (Warrandyte) — I grieve today for the state of Port Phillip Bay and for the situation we now find ourselves in where significant environmental — —

Ms Pike interjected.

Mr HONEYWOOD — I appreciate the Minister for Health breaking party ranks and saying, 'Good on you for sticking up for Port Phillip Bay'. Apart from the Minister for Health, we now have a cone of silence on this project where the Victorian Coastal Council, which is supposed to be the main advisory body to government on the health and environmental status of the bay and coastline, has been mute for two years on the dredging of Port Phillip Bay. What are these people paid to do? What is Diane James, the executive director, doing when she cannot feel comfortable with this government in commenting and being involved in the public debate that is going on day in, day out about what is happening in Port Phillip Bay with this so-called trial dredging program?

Equally, what has happened to the former Marine and Freshwater Resources Institute (MAFRI) at Queenscliff, now officially referred to as the Primary Industries Research Victoria (PIRVic), based at Queenscliff? Why are they silent? Some of the scientists down at Queenscliff were in fact employed as consultants on the original environment effects statement process; but because they were employed as consultants, in some cases they were stymied in being objective consultants. They were paid and employed to give the government and the Port of Melbourne Authority the answers they wanted to hear rather than bringing forward any objective research about, in many cases, what could happen to the bay as a result of this massive dredging project.

The Victorian Coastal Council and PIRVic are absolutely silent when it comes to providing full, fierce and objective advice and informing the public in its debate about this situation. I have a great deal of time for the environmental groups which are doing the right thing in so many areas on other environmental issues, be it Environment Victoria or the Victorian National Parks Association, under the leadership of Charlie Sherwin, which has done some great work on a whole range of macro-environmental issues. Why are they silent on this issue? Why are they not contributing to the public debate? I worry that there may be an issue with the government providing grants to certain environmental organisations for other exploratory issues, which maybe makes some organisations feel somewhat encumbered in speaking out.

Ms Pike — That's a slight on them.

Mr HONEYWOOD — Who has been left to deal with this public debate for and on behalf of the wider Victorian community? We know who has been left to deal with it — that is, the Blue Wedges coalition led by Jenny Warfe. It is doing a great job. It is a new organisation, but it is doing — —

Ms Pike interjected.

Mr HONEYWOOD — I know the Minister for Health does not support the Blue Wedges coalition; she is yelling against them across the table because she does not like any internal or external critics. I know she is worried about the public relations campaign the Blue Wedges coalition is launching, but her vitriol across the chamber is getting somewhat tiresome, Acting Speaker.

As we speak trial dredge material is being dumped in an area of 17 hectares to a depth of 1 or 2 metres off

Mount Martha. This will vary for all time the area of and the environment of that seabed. The limited amount of trial dredging that has been done is already producing massive plumes that are visible from the shoreline.

Ms Buchanan interjected.

Mr HONEYWOOD — People have been phoning local MPs' offices with genuine concerns. The member for Hastings, who is madly interjecting for and on behalf of the Bracks government proposal to dredge and gouge this material, informed a public meeting of 400 concerned people last Thursday evening, 4 August, that the trial dredging program would be monitored by 15 vessels. Yet if any honourable member can be bothered going out onto the bay today, or had they gone out yesterday or the day before, they would have observed only three or four boats, including a police vessel, monitoring the *Queen of the Netherlands* as it goes about its task of digging up the bay.

Members of the recreational diving industry, having recently received training and diver status for turbidity and plume monitoring from the Port of Melbourne Authority itself, have now been informed that while they will still be able to monitor the dredging plume, they will only be allowed in areas beyond half a kilometre from the *Queen of the Netherlands*.

Ms Buchanan — On a point of order — —

Mr HONEYWOOD — If this is an inane point of order, I put to you, Acting Speaker, that it would be time wasting.

Ms Buchanan — On a point of order, Acting Speaker, the member is deliberately creating a falsehood in relation to exemption — —

The ACTING SPEAKER (Mr Savage) — Order! There is no point of order on an allegation such as that.

Mr HONEYWOOD — It is not unusual, Acting Speaker — and I thank you for your ruling — that government members want to gag debate on this project and will resort to any device to apply a gag and take up the opposition's time.

How much meaningful underwater observation and potential environmental degradation could be observed by anybody from half a kilometre away? Exemptions can only be applied for in the so-called sandy areas, where diving normally does not occur to any great extent. Of all people, the diving operators have some of the most intimate knowledge and practical experience of tidal movements, currents and their interaction with other natural elements such as winds and waves. Why have they now been locked out of the monitoring process? What has to be hidden from them that is so scary to the government?

When the dredging vessel begins another phase of this so-called trial dredging program — namely, the gouging of rock material at Port Phillip Heads at the entrance to the bay — we will have a whole new set of environmental issues and concerns to contend with. One of those is the fact that the *Queen of the Netherlands* dredge head involves large ripping teeth at the front of a massive vacuum cleaner-like apparatus. The gouging teeth will proceed to emasculate the natural rock formations, thousands of years old, which the diving industry regards as having some of the best temperate water diving biodiversity in the world.

While we have been given assurances that the gouged rock will be magically sucked up by the vacuum cleaner, I put to you, Acting Speaker, that any layperson can envisage a situation in which rock at the sides of the mechanical gouger will be displaced and tumble to the seabed, crushing unique invertebrate organisms that dwell there and adversely affecting the natural rock walls of the canyons at the heads.

A genuine question that needs to be answered when we come to extraction of rock at the heads is surely: how will such rock extraction and gouging be monitored, and by whom? Unlike a plume of silt suspended in the water, the rock will immediately plummet to the seabed. We have already been told that the diving industry will not be allowed to monitor activity at the heads — and how could they effectively? If this gouging is going on, how do you assure the public and the wider community that we are not going to have these rocks falling straight to the seabed and not all being picked up by the vacuum cleaner? Are we therefore going to have before and after photographs taken, and if so, by whom? Will these photographs, if any, then be presented to the independent panel as part of its supplementary environment effects statement (EES) deliberations? I think not.

All this will take us past the next state election, because we know that even though the supplementary EES is meant to only take 12 months, this government will do anything to avoid having to make a final decision on this project out in the public arena before the state election. Mark my words: we will be waiting for at least 18 months for the final decision. While all this is going on, we could be doing so much more. We could, for example, be examining fast-tracking the port of Hastings.

I have a press release from none other than the Minister for Transport. It has the headline 'Important industry meeting at port of Hastings' and is dated 22 April 2005. I quote:

> 'While the port of Melbourne will remain Victoria's premier container port, the port of Hastings has been identified as a strategic site for future development of container facilities to handle additional trade growth beyond 2030', Mr Batchelor said.

The government is already plotting and scheming to move the major port activities down to the port of Hastings anyway. Will it be doing any research on that over the next 18 months whilst it is justifying gouging out the bay? Of course not! It does not want to be seen to be looking at alternatives, because it is captive to certain interests.

Equally the government could be exploring further and in greater detail alternative options to the massive dredging of the bay, such as the DUKC technology, otherwise known as dynamic under-keel clearance technology. Of course even though many ports around Australia are using that technology, the Minister for Transport refuses to entertain that option.

The total cost to Victorian taxpayers just for this environmental effects statement process is already becoming exorbitant. We had a $12 million initial bill for the failed first EES process; the trial dredging will, according to the government, cost $34 million, and that is going on at the moment; and the supplementary EES, even if it costs only half the amount of the original, will be $6 million. Already we can see that over $50 million of taxpayers money will have been forsaken before the Bracks government supposedly makes its final decision to proceed with this project, yet we still have not heard anything about the sound financing strategy that is meant to be occurring.

Let us just recall for a moment that this government said this whole project would be subject to three criteria, the first being the management of all the environmental issues. The government's own independent panel has sent it back to the drawing board on that, because the EES that it proceeded with was flawed. The second issue was the requirement to resolve any technical difficulties, and the jury is still out on that. The third issue was providing and coming forward with a sound financing strategy, and we have nothing from this government on that. Instead we have a great big question mark, with industry groups and everybody else saying, 'Who is going to pay for this $600 million-plus project?'. We know this government will do anything to duckshove that issue. We were promised a transparent finance strategy, but that is yet to be delivered upon.

Ms Buchanan interjected.

Mr HONEYWOOD — Of course in all of this we have inane interjections from the member for Hastings, who instead of standing up for her community is nothing more than an empty vessel for and on behalf of the Bracks government. We have a situation in which the state government is trying to say, 'Look, the federal government is for it!'. I have met with the federal minister for the environment, who says that nothing could be further from the case, because the federal government's jurisdiction is limited under the commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act's referral powers to endangered species of animals, shipwrecks, Ramsar wetlands and commonwealth-owned land.

None of those four criteria applies to the trial dredging process, so his department's assessment was that the controlled dredging program was not in itself enough to allow for the commonwealth to intervene. Could you imagine the cries that would have come from the Bracks government if the commonwealth government had arrived at some device to override its constraints under the federal EPBC act for referral.

Only four issues could have been referred to the federal government, but none of those was relevant. Therefore when the member for Hastings gets up and misrepresents situations at public meetings she should be aware that there is no federal government sign-off on this project yet and that it is not able to use its federal powers under the EPBC act to intervene in the trial dredging program. So whilst the member attempts to bring everybody else into the equation, what she is totally ignoring is that this project is a total Bracks government attempt to stymie public debate. That would happen if it were not for members on this side of the house — particularly the member for Nepean, who is out there for and on behalf of his community — doing what oppositions should be doing and asking the questions which the public wants answered.

This government has stymied and gagged the marine institute, it has stymied and gagged its own coastal advisory council and it is trying to stymie and gag the large environmental organisations. It has been left to the Blue Wedges coalition and members such as the member for Nepean to do all the hard yards when it comes to asking the questions that should be asked of a government which promised transparency but has not delivered on that transparency.

Tertiary education and training: voluntary union fees

Ms BUCHANAN (Hastings) — I rise today to grieve for students in Victoria if the federal government gets the chance to enact its proposed legislation to abolish compulsory upfront student fees. I particularly grieve on behalf of all current and future students across the Mornington Peninsula, in the Hastings electorate and around Western Port.

I think it is appropriate that I start off with a quote from Michele Grattan's article in the *Age* this morning, which is headed 'Coalition commonsense goes missing over student union fees' and in which she says:

> With the legislation due soon in the new Senate, the government has got itself into a dreadful and unnecessary tangle because of some of the near obsession of some Liberals about university 'lefties' using student money for political causes.

It goes on to say:

> The cost however is potentially high …

I want to talk about the cost to students if the federal government has its way. It is interesting to note that the federal government certainly does not have unanimous support on this, particularly from within its own ranks and from The Nationals. What is concerning is that we have this 'reds under the beds' fanaticism happening again. It is as if we have 36 members for Bass in the Senate as well — which is a very scary proposition, I must say! That one-eyed fanaticism does not look holistically at the benefits of compulsory student unionism. The role that it has played in the lives of many professionals and our current and future leaders has been sorely underestimated and basically disregarded by the federal government in terms of its proposed legislation.

I want to talk about the Victorian system. As most people know, voluntary student unionism (VSU) was implemented under the Kennett government. This Bracks Labor government has certainly softened this legislation and has talked about the areas where spending could be allowed. Going on from that, it is important to note the many benefits that compulsory student union fees have provided to students across Victoria, and I would like to talk about those. As we know, under the current system here in Victoria universities collect and distribute the compulsory amenities fee, or the general services fee (GSF). That is done by the universities, not the student organisations. The universities and student organisations negotiate on what percentage of the GSF goes to the student organisations and what services to students are provided in return.

I would like to talk a little bit about some of the services provided to students. I refer to things like the book service for students, which has helped a lot of disadvantaged students who are currently struggling under the burden of higher education contribution scheme (HECS) fees. That is particularly so given that some universities are now being allowed to ask for the maximum fee of $30 000 — and a lot have decided to go that way. It provides the invaluable service of enabling students to buy discounted books.

I can talk about the issues involved in providing housing for out-of-city students or for those at regional campuses so they can stay on site and form some of those very important social and professional networks which they can carry forward and which will give them great value later in life. I can also talk about the legal services that students are provided with through university campuses, which help them with all manner of issues dealing with and relating to some of the scenarios they have to encounter.

Most importantly, one of the key issues is child care. Members on this side of the house spoke earlier about the great value of child care and the doors that open for mature-age students, particularly for sole parents, who hope to get tertiary qualifications. I was a parent at university, and I had the opportunity to use child care on campus. It was great to be able to go to my lectures and tutorials but also to pop in and see my child during the school day — invaluable in terms of being able to be a good parent, in terms of my study and being a good student, and in getting right the work and family balance. Unfortunately the sorts of issues that the federal government wants to implement will certainly not enhance the opportunities for students — particularly mature-age students — to get that work and family balance going as well.

I can talk about the food service issue, too, which is about giving students cheap and healthy food alternatives, encouraging them to eat healthy foods and providing activities through which they can meet and socialise.

Mention has been made of the issue of sporting clubs and the associations that can be made there not only for people to learn about and participate in different sports but also for those who are at the elite end of sports participation. As has been alluded to earlier, the Australian Institute of Sport has grave concerns about the proposed legislation in terms of the impact it will

have on supporting students who specialise in sports study.

We have already heard about the fees that are now collected and which go towards the employment agencies on campus, particularly for out-of-town students. Believe me, they do not get much for youth allowance or Austudy these days! To help them get by and be able to cover their subsidised housing costs and pay all the other fees they face during life on campus they need the opportunity to get paid employment while at university and to be able to use those earnings to supplement their income so they can continue their studies. The agencies provide a very important service to students.

I have not spoken yet about the social clubs. It was put very astutely by another member on this side of the house that those services provide great added value not only towards achieving a diploma or degree at the end of their time at university but in establishing connections — the other, broader knowledge which they acquire in such an environment is also of value.

As I said earlier, the federal minister Brendan Nelson is looking at including some quite draconian measures in legislation on these issues. He wants to prohibit universities from charging any fees that are not directly related to a student's course of study, and he proposes to impose financial penalties of $100 per commonwealth-supported student if providers levy students for anything that is not directly associated with their course of study. He argues that compulsory student union membership infringes upon the freedom of students. His second-reading speech states:

> In its first term of office this government extended the principle of freedom of association to the Australian workplace. Freedom of association is a basic right that should be available to each and every Australian.

He tries to equate that to student union fee payments, which I think is a ridiculous connection to try to make. Again it goes back to that reds-under-the-bed mentality and fanaticism that quite often we see in this place with the member for Bass, and which obviously is spread right through to the federal government.

Moving on from that, it is interesting to note though, as I said earlier, that the proposed legislation does not have unanimous support within the coalition. I would like to talk about The Nationals and their opposition to it. The Nationals had their 89th annual state conference in April, when they overwhelmingly urged that the federal government adopt nationally the Victorian model of voluntary student unionism — so they are agreeing with what we are doing here in Victoria in how we have a fee structure and compulsory fee payments from our students because of the value of the services they add.

When The Nationals talk about rural campuses they also talk about how important it is that the fees collected certainly help the health and wellbeing of not only the students on campus but of the community that the university is within. In many rural townships, if services were not provided on campus, a lot of local jobs would be lost and a lot of the heart of the town would be lost through a reduction in economic activity focused around the rural campus.

The Nationals conference also highlighted that there is no available mechanism. If the federal government were to go ahead and abolish compulsory student union fees, where is the money going to come from to supplement the services that add so much value to a student's life and most importantly to the student community and the busy activities in townships that the universities support and thrive around? The plan is flawed, and it is exceptionally incomplete in that there is no fall-back position to how those communities will be supported if compulsory fees were not part of the equation. This shows a lack of foresight and again it gets back to the reds-under-the-beds fanaticism that we see too often across the coalition parties.

In conclusion I want to give a personal example. At the moment my daughter, Julia, is at the Royal Melbourne Institute of Technology studying environmental science. She worked very hard to get herself up to a position where she could attend university. She is more than willing to carry the burden of the higher education contribution scheme debt into her working life, but she is also a great believer in the value that the compulsory student union fees provide her. Because of her previous credits she is doing three subjects a semester and her compulsory union fees equate to about $140 per semester. That is about $280 a year. If she was doing five subjects like a full-time student at RMIT, she would be paying $180 per semester, which equates to $360 a year.

People would be aware that there is a rally in Melbourne today protesting against the proposed federal legislation. Julia sat down the other day and calculated how much value she will have gotten from the services she has been accessing at RMIT if she continues to use those services throughout the year and how much it would cost her if she had to go outside the university campus and the support services the university provides and access those services in the commercial market. Her sums show it would cost her more than $5000. In return for paying compulsory

student union fees of $360 this year, or $280 in her case, she is getting $5000 worth of services this year. That is just the financial value and does not include the social connections she is making, the professional relationships she is consolidating in her course and the opportunity of getting into a city campus and enjoying all the other aspects of living in the city, having been based in Bairnsdale before coming down to Melbourne.

That is what the compulsory student fees are all about. They are about giving students opportunities in a wide variety of ways. They know they have these services available. They may not necessarily have to use them and I hope many do not need to but it is important for them to know that they have access to those services. It is a support mechanism that all students need.

I will grieve on behalf of students in the Hastings electorate and the Mornington Peninsula and Western Port areas if this legislation goes through. However, I am not the only one grieving about this. The federal Liberal member for Flinders, Greg Hunt, has also raised concerns about this issue. He does not think the proposed legislation is sustainable and certainly does not support it, and nor do many other federal Liberal members. This issue goes across all sides of politics in that people are very concerned about the impact of this legislation and its value to students. Liberals, Labor and Nationals alike have raised concerns about this legislation. It is not just the ALP going on about this — all sides of politics have raised concerns about this legislation.

In conclusion, I will be grieving for all current and future students across Victoria if this proposed legislation is enacted. It will not add value to their experiences of being tertiary students. It will not add value in terms of the life experiences they are exposed to as students. It will not give them a good opportunity to get sound, balanced and holistic experiences across their lives to help their professional and leadership careers as they go on to support Victorian communities in the future.

Schools: literacy and numeracy

Mr PERTON (Doncaster) — I rise to grieve on the problems of literacy in the state of Victoria. May I suggest that the greatest challenge to our community and the greatest threat to our economic growth is illiteracy — not only among the young but in the adult community as well. Since the Parliament last sat, the *Setting the Pace* report on Victorian youth participation in learning and work was released. Prepared for the Dusseldorp Skills Forum in association with the Education Foundation and the Business Council of Australia the report sees a dark cloud hanging over Victoria. It states:

> Literacy and numeracy is a central foundation on which successful learning and long-term economic participation is built but Victorian students at age 15 perform less well in achievement tests in mathematics, science and reading relative to students in comparable states.

This dark cloud on our economic horizon and education system should come as no surprise to parliamentarians. Several reports over the last two years have pointed to a significant problem among Victorian students and their ability to read. There is no more important skill to be acquired in school than literacy in English. As the Auditor-General said in his October 2003 report:

> Reading ability is a key lifelong skill. For individual students, good literacy skills are a prerequisite to successful progression through the compulsory years of schooling and in the transition from school to the work force. Poor reading skills can have far-reaching personal, social and economic costs.

Poor literacy damages the self-esteem of people. Research from the Brotherhood of St Lawrence shows that:

> … people who carry lower levels of literacy and numeracy into adulthood are more likely to be unemployed than people with higher levels …

As recently as last week well-known education commentator Christopher Bantick quoted Australian Council of Educational Research data which shows that 30 per cent of students lack basic literacy skills before they reach year 9 level. He wrote this in the context of the sales of Harry Potter books. He stated:

> It is the teachers of reading who stand accused of an abrogation of responsibility to instruct children adequately. The buck stops at the classroom door.

I would go beyond that and say that the buck stops with the head of government.

Falling standards mean that, on average, Victoria's school students now have the lowest levels of English literacy, mathematical literacy and scientific knowledge of any mainland state. These levels are far below those of other countries with whom our children will compete for jobs in the years ahead. While many students and schools perform at high international standards, the objective evidence and research shows that Victoria has the lowest literacy performance on mainland Australia. As I have said, while the causes are complex, the buck stops at the top.

The recently retired New South Wales Premier, Bob Carr, has claimed as his legacy the improvement in

reading skills among New South Wales students. As a *Sydney Morning Herald* assessment of Carr's legacy claimed:

> His love of literature set Carr on a quest to raise literacy standards and he can rightly boast that New South Wales students rate among the world's best on reading and writing. They are also the most tested students in Australia. Under Carr's leadership the HSC has been reformed, there are extra tests in the school certificate, new literacy and numeracy exams for year 7 and 8 students, and computer skills assessment.

In contrast, our Premier's self-set task is school retention rates, not the quality of outcome, nor indeed literacy outcomes. Even in this area the figures are fudged as the government relies on apparent retention rates bolstered by a 3 per cent to 4 per cent increase in foreign students participating in years 11 and 12. In school standards and particularly in literacy this government has failed.

The report referred to in *Setting the Pace* is the Organisation for Economic Cooperation and Development (OECD) Program for International Student Assessment (PISA) study which showed that in reading ability:

> Victorian students have lower rates of literacy, numeracy and scientific literacy than their Queensland, ACT, New South Wales, South Australian and Western Australian counterparts.

The second cycle of the PISA study published last year, which assesses the ability of 15-year-old students to apply their knowledge and skills to real-life problems and compares the results internationally, shows that while Australia as a nation is a leader, Victoria is well down on other Australian states in the educational rankings. In referring to our literacy standards the OECD report *Facing the Future* said that four years ago:

> … all states other than Tasmania performed significantly better than the Northern Territory …

However, in 2004:

> … the performance of students in Victoria and Tasmania was not significantly different from the performance of students in the Northern Territory.

The Northern Territory has all the problems of remoteness, people with particularly low socioeconomic status and, of course, problems with people in the Aboriginal community, which are also reflected here. It is a disgrace that Victoria's students are performing at that low level. Thirteen per cent of Victorian year 9 students recorded reading literacy proficiency levels in the lowest levels of 1 and below. Just 11 per cent of Victorian students are performing at the highest rates of reading literacy proficiency, compared to 22 per cent of students in the Australian Capital Territory and 20 per cent of students in Western Australia.

Last month the national report from the Ministerial Council on Education, Employment, Training and Youth Affairs again showed that Victorian students are lagging behind in reading. The MCEETYA national benchmark results, released on 22 July, also show that Victorian students have lower rates of reading literacy than their counterparts in Queensland, the Australian Capital Territory, New South Wales, Western Australia and Tasmania. These substandard results show that Bracks government policies in education have dumbed down our English curriculum and hindered academic talent and achievement in Victorian schools. For year 3 students the Victorian reading results were ahead of only South Australia and the Northern Territory. As a further indictment, at the time of testing Victorian students were on average three to six months older than the students in the other state or territory. For year 5 students the Victorian reading results were well behind those of New South Wales, Western Australia, Tasmania and the ACT. The Bracks government has scored poorly on this report card.

The government's On Track results, which were released in June, further reveal that Labor has failed to raise standards in Victorian schools. Whilst the results were skewed upwards, with 25 per cent of children polled not caring enough to answer the questionnaire, the results were still very troubling. In 25 Victorian state secondary schools more than 10 per cent of former students were unemployed six months after they completed their Victorian certificate of education (VCE) or Victorian certificate of applied learning courses. The schools which were low performing when the Bracks government was elected remain low-performing schools, despite the Premier's promise when in opposition that:

> Labor will target additional resources where they are most needed, helping disadvantaged schools to boost literacy and numeracy outcomes and help students with learning difficulties.

The schools I have referred to are schools that have poor standards of literacy and numeracy at year 10 level, yet students are promoted to years 11 and 12 despite not being able to read the prescribed texts. It is staggering that in some Victorian schools more than one in five students have a level of literacy that does not equip them to study at senior secondary school level. It is unfair that many of the students are being encouraged to go on to complete year 12 only to end up without a university or TAFE place and no job due to low

performance in their VCE and no adequate employment skills such as reading and writing. As I have said, the Bracks government measures itself on retention rates, not the quality of education.

Instead of using this data to trumpet the results of high-performing schools, the Bracks government should take responsibility for improving standards in those schools that are in the bottom 10 per cent in performance and hold them to account. The Bracks government is guilty of ignoring these results. In every other part of life — whether it is a football team or business or enterprise — a bottom performer would be looking at its management, the team, and its training methods. Instead, there are lies. The Treasurer, speaking at the 2004 Melbourne Press Club gathering and again at the Sustaining Prosperity conference, claimed a dramatic increase in Victorian literacy levels. One questioner asked what proof there was for this claim, and the experts who were at the conference from the Australian Council for Educational Research said there was no testing and no statistical basis for the Treasurer's assertion. The dishonest behaviour of the Bracks government on this issue is staggering.

The Auditor-General's report states that there has been little improvement in literacy levels and that the government's data keeping means that:

> Due to inconsistencies in the recording of student and school details and the lack of unique school-level and student-level identifiers for LAP/AIM data, limited longitudinal data were available for this assessment.

The response from the Minister for Education and Training was to put out a press release that lied and claimed that the Auditor-General's report was an endorsement of the government's policies in this area.

It is time for action. A number of programs were introduced by the Kennett government and maintained by the current government — the Reading Recovery program and the Early Years Literacy program — and the Restart program was introduced by this government at year 7 level. The Auditor-General's findings are that some $600 million has been spent on these programs, with no identifiable result.

In April this year the Victorian Primary Principals Association mounted a strong campaign for funding for literacy programs in years 3 to 5, and it pointed to data which showed that student performance levels in literacy are in decline in those years. This makes sense. A student who has been in reading recovery is not likely to have been a self-starter in reading, but after a period of intense intervention there is no reason at all why they would not continue to maintain reading at the levels of students who have not needed reading recovery. The objective evidence both in the Auditor-General's report and otherwise shows that to be the case.

There has also been a failure in the area of reading aloud, and I notice that Mem Fox, the children's author who was an adviser in advocating reading aloud programs to Mr Latham during the last federal election campaign, has persuaded the federal minister, Mr Brendan Nelson, to conduct a reading aloud summit in Sydney at the end of this month. That is a step forward. I note that Mr Chris Nugent, who is an avid correspondent with the Minister for Education and Training, and with me on these issues, has indicated that one of the great weaknesses in AIM and other literacy testing is that we do not test the ability of children to read aloud. The member of Parliament who spoke just before me reading her speech could probably have done with some reading aloud assessment in her days at school. Each of us in the course of our lives will make mistakes; I should not throw stones on this occasion.

It is true, however, that even those of us who are in our forties will recall that whilst we may have had reading aloud in the early years of school, that sort of testing was not undertaken later. I note that often I find when I ask teenagers to read to me that their reading ability is not particularly good. In fact the results of a study by Byron Harrison and Jean Clyde of VAS Research Pty Ltd in Tasmania reported in respect of average students that 72 per cent entering secondary schools could not accurately sound out most new words containing three or more syllables, such as 'continent', 'Baranduda', 'survival' and 'Kakadu'.

Time has run out. There are people out there who want to really help our children. I single out the Victorian Primary Principals Association, the Victorian Association of State Secondary Principals and the Australian Council of Educational Research. The time has come for a bipartisan campaign in this area. We can spend near enough to $1 billion on the Commonwealth Games in pursuit of better sporting outcomes; we have to start the process of making the same attempt to become not just an Australian leader, but a world leader in literacy and the ability to read.

Tertiary education and training: voluntary union fees

Mr JENKINS (Morwell) — I grieve for all current and future higher education students in Victoria, and in particular those on the Gippsland campus of Monash University, who will suffer with the introduction of the

voluntary student union regulations being proposed by the federal government. The proposals as expounded by Dr Brendan Nelson are an attack on student associations; they are an attack on students; and importantly — and it would pay members of the opposition to again have regard for country Victoria — they are an attack on country students and institutions. Dr Nelson has attacked universities and brought in a range of reforms, none of which go to expanding educational opportunities for all Australians and all of which in some way or other place a greater burden on those with the lowest capacity to pay, such as those in regional Victoria, where there is a great need to work together cooperatively to deliver services effectively.

We know that the federal government has increased the higher education contribution scheme (HECS) fees, and in its recent reforms it put in place up-front fee-paying places. The proposed legislation is yet another reform, and it would prohibit universities from charging fees that are not directly related to a student's course of study and — here is the rub — impose financial penalties of $100 per student on any institution that charges fees. Not only does the federal government starve universities and educational facilities of much-needed funds by withdrawing its funding and refuse to step in to ensure that institutions give a commitment to regional Australia — not just regional Victoria — it is actually planning to fine universities for providing services for their students. It is planning to fine universities for every student who has bought into a cooperative approach for the provision of services to students. We are talking about student service associations, not student unions. We are talking about cooperatives.

The problem with the philosophical bent of those in the current federal government is that they have become hung up on the word 'unions' and have a real hate for them — as do some of the members in this house. They have a real hate for unions. If you go by that name or if you are associated with somebody connected with unions, they will find a way to attack, regardless of the collateral damage. We know the extreme damage that will arise out of the changes proposed by the federal government. Student service associations are part of a cooperative approach for the delivery of services for students in higher education. Why are they there? Why is that cooperative approach used? Why do we foster that cooperative approach in Victoria? We do it because cooperation just makes sense. We know that, particularly in country Victoria where we have to rely on one another, where we have to rely on working together and where we have to make sure that services are provided to people coming in from great distances, whether they are coming into regional areas from the city or from more remote areas.

We know that cooperation makes sense. We know that cooperation on service fees delivers benefits for students, benefits for universities and ultimately benefits for those communities that make up our universities. At the end of the day cooperation delivers benefits by way of better education services for people right across the nation, including people in this state. It is all very simple, and it would pay the federal government to take a step back and think about the fact that we are much greater than the sum of our parts. If we work together in a cooperative way, such as we are doing in Victoria and such as we have encouraged people in Victoria to do, then we will make sure that all students, particularly rural students, get the sort of support they require through the provision of services which are not strictly part of their educational outcomes but without which we know a great number of them just will not be able to attend university or complete their studies. Typically it will be those people at the bottom end of the scale who will not be able to access those services if they have to go out to the market.

Why ban compulsory fees to fund student services? Have the universities asked for it? They have not. Have the students asked for it? No, they have not. Have the service fees placed an undue burden on students at universities and higher institutions? No, they have not — quite the opposite. Those student service fees have made tertiary institutions more accessible to students, whether they are returning to study or whether they are studying for the first time. That is particularly so for people in rural and regional Victoria who need services to be delivered at their institutions by their institutions.

It seems that the federal Minister for Education, Science and Training, Dr Brendan Nelson, had some unfortunate experiences at university. Everybody has good and bad experiences at university, but just because he happens to find himself the federal education minister, it does not mean he can hark back to some unfortunate experiences he might have had when he was not in the majority position in his student union and now find a way to kick back against them. This is absolute madness. Those people are long gone, those organisations are long gone and those days are past. Dr Nelson and the federal government have to move on. They have to stop looking back to what may have occurred in the 1960s and 1970s and instead look at what is occurring in the new century and what people in regional and rural Victoria really need. Just because some of the flat-earthers on the extreme right of the federal government's natural constituency — and it is

only a small portion of them — keep replaying some of their films from the 1960s and 1970s about student revolts, it does not mean that university places should be put at risk, particularly in regional and rural Victoria.

The federal government should not put in place a system that will make it harder for people who deserve an opportunity to have a decent education. It should not be a case of the federal government's bringing in legislation that is going to make it that much more difficult for them to go to university. These proposals will particularly affect regional and rural Victoria, and I have to ask again why the Liberals hate regional Victoria? Why do the Liberals hate putting services into regional Victoria? Why do the Liberals want to continue to make it harder for people in rural and regional areas to get an education and to access government services?

The university campus in my electorate, Monash University's Gippsland campus, employs 19 full-time staff and 60 casuals. They do not spend their time going to political rallies or trying to undermine traditional Liberal values. They do not spend their time trying to tear down their organisation. What they do is work cooperatively with their university communities to provide essential services to their students, including visiting students. They provide advocacy and support services, including counselling services, for city and rural students. Imagine coming in to the wonderful Latrobe Valley, that beautiful part of Gippsland, for the first time, either from the city — —

Ms Buchanan — Via Western Port.

Mr JENKINS — You might be coming in via Western Port or from Hastings and not have had the experience of living in Churchill or nearby before. If you are you are going to need those counselling services, because you will not be able to rely on your family on a day-to-day basis anymore. Where are you going to get that help? For a very small student service fee of about $360 a year you are going to get access to those counselling services. Whether you are coming from the city, from Orbost or from Cann River, you are going to be able to access those services. But if this legislation comes in, there will be people right across remote Victorian communities who will no longer be able to access tertiary education because they will not have access to those essential support services, clubs and societies.

The Monash Gippsland campus has 25 affiliated clubs and societies — not political organisations but activity organisations — providing sporting services et cetera. The student residents association, for all those students living on campus and nearby, addresses the same sorts of issues that we always have when we live in communities. There is also an international students association: a large number of international students come to Monash Gippsland, as they do to all the tertiary institutions in Victoria, and we need to cater for them appropriately. What the vice-chancellors, the universities and the students themselves have found is that the best way to provide those services is through student organisations and associations working cooperatively with their universities. My local university runs its own entertainment venue that is also used by the local community in Churchill. Careers and employment advice is provided, and importantly seminars are held to make sure that not only students but employers as well have access to that information.

They run a good community newspaper — not a political rag but a good community newspaper — that comes out quarterly. They sponsor community events. Importantly, the only child-care centre in the community of Churchill is run through the student union with the assistance of student services fees. It is run in a cooperative way that makes sure it is accessible. Without Pooh Corner there would be a large number of people, particularly women, who would not be able to access great services. The Southern University Games were put on recently by the City of Latrobe with the National Union of Students and it was a wonderful event. It would not have occurred otherwise.

We have a model in Victoria that promotes cooperation. Who supports this model? The universities, parents and students support it. The VicNats apparently support the model. They have indicated their opposition to Brendan Nelson's proposal. Barnaby Joyce, Fiona Nash and others support the Victorian model and oppose what the federal government is putting up. If the VicNats were fair dinkum and were going to abide by the resolution of their 89th state conference, they would pull their vote in the Senate. They would pull their Victorian senator's vote. Julian McGauran would not vote to support reducing services in regional Victoria.

If the VicNats were as fair dinkum as some of The Nationals in Queensland and were not going to just kowtow to Liberal philosophy of far-right extremism, they would pull their vote. They should do one of two things. They should either stop claiming to support student service fees and student organisations or they should pull their vote and make sure this legislation does not go through. They cannot talk the talk and refuse again and again to walk the walk. They have to actually stand up for regional Victoria. They spent a lot

of time not doing that here when they shared government. Now they have an opportunity in federal government to make sure those people in rural and regional Victoria get an opportunity they will not get if the market provides as the federal government seems to believe. What a wonderful theory!

We know what the market will do. It might cherry pick some of the easy services and provide some fee-for-services in central areas and the cities but it will not provide services to country Victoria. It will not provide services across the broad spectrum that are necessary in our tertiary education. It will not provide that essential support to the universities to make sure students can actually get to class, that their children can be looked after and that they can get access to books and libraries. It certainly will not provide those services in country Victoria. What about the proposal to have a subsidy in place for country Victoria? The fact is a subsidy will not work. The message is if it ain't broke, don't fix it; and the message to Dr Brendan Nelson is if it ain't broke — and it ain't — don't stuff it.

Question agreed to.

STATEMENTS ON REPORTS

Road Safety Committee: country road toll

Mr HARKNESS (Frankston) — I rise today to speak on the Road Safety Committee's inquiry into the country road toll. As always it is very important to acknowledge the excellent chairmanship of the member for Geelong and to commend the other members of the committee for their hard work and dedication to this inquiry — the members for Ivanhoe and Polwarth in this place and Mr Eren, Mr Bishop and Mr Stoney in another place.

I would also like to take the opportunity to thank the very hardworking committee staff — the executive officer, Alex Douglas, researchers Graeme Both and Peter Nelson, our office manager during the course of this particular inquiry, Beth Klein and the acting office manager from 4 April, Susie Jocic. Their commitment and support has been exceptional to say the least.

This inquiry has been running since August 2003 and more than 117 submissions were received and 186 organisations and witnesses were interviewed. The report contains 70 recommendations covering a wide variety of issues including the need for a country safety strategy, improvements to road systems and infrastructure, issues relating to speed, fatigue, inattention, alcohol, vehicles and enforcement.

During the course of inquiry we met a lot of people across the state. It became very clear more needs to be done to address the country road toll. The fatality rate per head of population in country Victoria is three and a half times that of metropolitan Melbourne and twice the state average. It is quite clear that there is a serious issue that needs to be addressed. It is the view of the committee that infrastructure improvements, particularly on category C roads, would go a long way to reducing the road toll.

Many factors contribute to crashes on country roads, but a key issue is fatigue, driver inattention or lack of vigilance. Whilst there is no clear and agreed definition of fatigue, several factors contribute to driver inattention, such as sleep debt, the time of day, the disruption of circadian sleep patterns, the relative comfort of modern cars, alcohol consumption and night driving. It is so easy to jump into a modern car and be surrounded almost entirely, have the radio and airconditioning or heating on and start to nod off to sleep.

A growing volume of research is available on the effect of fatigue in country crashes, but much more is needed in a Victorian context. That is why the committee has recommended in recommendation 37:

> That VicRoads undertake an in-depth study in order to establish, among other factors, the role of road design, trip duration, proximity to destination and stage of journey in fatigue-related crashes.

The committee considered that sufficient information is available to determine that fatigue is an identifiable problem that warrants concern, but not enough is known about these other details.

On long drives many people use rest stops. People who are travelling interstate or throughout the state will often pull over to the side of the road to a designated rest area to take a break from driving, a micro sleep, toilet break or just to have something to eat or drink. The house heard last night in contributions to debate that the SES has instigated the Driver Reviver program, which is very popular and important in ensuring that people pull over and have some rest. On class M and A roads there should not be more than an hour's travel between rest stops, but on other roads you can drive for a long time without finding a suitable rest stop, and the quality of rest areas also varies very much.

In fact one interviewee raised the issue of the suitability of facilities at rest areas, particularly for women, noting that security at night is a major issue for a lot of female drivers travelling by themselves; so that is why the committee has also recommended, in recommendation 41, that

VicRoads ensure the number of rest areas on rural roads and in built-up country areas be increased, that these areas be adequately signed, and also that reasonable security provisions are made so that drivers can make good use of those rest areas and take their rest breaks.

Family and Community Development Committee: development of body image among young people

Mrs SHARDEY (Caulfield) — I rise to speak on a report by the Family and Community Development Committee, which was on an inquiry into issues relating to development of body image among young people, and associated effects on their health and wellbeing. This important inquiry reported on the manner in which poor body image can contribute to eating disorders, which can have a dramatic effect and endanger life itself, particularly among young people.

I am acutely aware of the danger of eating disorders. A fellow student of mine from school died as a result of anorexia, so I was most aware of the importance of the inquiry; indeed, most committee members were as one on the outcome of the inquiry.

The committee heard evidence that body image dissatisfaction occurs commonly in young females and is most severe between the ages of 15 and 22 years. The committee also heard it is estimated that poor body image can result in extreme dieting and eating disorders in 2 to 4 per cent of the population, and involves low esteem, feelings of worthlessness, anxiety and depression. It also found that some of the major factors in the development of poor body image are peer influence and consumerism, and that the mainstream media affects young people in their perception of what they should look like, along with the modelling industry and fashion retailers.

The four key findings of the committee were as follows. Firstly, there is a low-level, cross-sectoral awareness of programs and services focusing on body image and eating disorders, and we had many people come to our committee and say that they really were not aware of the services available to help with this problem.

The second finding was that services for eating disorder patients in Victoria varied widely in terms of their accessibility and availability, particularly in country Victoria where this seemed to be a huge problem.

Thirdly, the one-size-fits-all approach in the treatment of disorders does not adequately cater for the needs of young sufferers. It has to be something that is much more varied to approach this issue.

The fourth finding was that whole-of-school programs that teach and promote physical wellness and self-esteem in our primary school students have resulted in improvements in student wellbeing and learning, and therefore some of our recommendations go to the heart of this.

I would like to touch briefly on some of the main recommendations for which we seek the government's support. The main recommendation is that the government dedicate funding for the establishment of an Australian centre for research into body image and eating disorders.

The second recommendation is that the Centre for Excellence in Eating Disorders should be assisted in its production of professional development and training programs, particularly for health and allied health professionals. The third recommendation is that a code of conduct for the media industry should be developed, and I think this is an important but very difficult recommendation. We talked about that for a long time. Fourthly, the committee recommends that community health centres be utilised more effectively for the delivery of body image programs — a very practical recommendation.

The fifth recommendation is that the Department of Human Services undertake a statewide mapping exercise so that we know what is actually available around the state. The sixth recommendation is that a day-centre proposal be developed as a community-based initiative, designed to address a serious gap in the public health treatment of young adolescents. The next one is particularly important, and there has been a lot of focus on it — that dedicated funding be available to child and adolescent mental health services for eating disorder-specific programs.

Our eighth recommendation is to establish a trial of the Karolinska Institute treatment method for eating disorders in Victoria. It is a method with which not everybody agrees, so it is controversial, but we would like some assessment. The ninth recommendation is for the formation of a standing community reference group on this all-important issue; and the tenth recommendation is that the Department of Education and Training undertake a program of evaluation, monitoring and implementation of whole-of-school health promotion in primary schools.

The eleventh recommendation is that there be an Eating Disorder Awareness Week as part of a broader program

of health promotion in body image. Our final recommendation is that the Department of Education and Training consider the development and promotion of programs that develop skills.

Scrutiny of Acts and Regulations Committee: electronic democracy

Mr LOCKWOOD (Bayswater) — The report I wish to discuss today concerns Victorian electronic democracy and was handed down in May. Electronic democracy is about enhancing our democracy, about finding ways that technology can assist in making our democracy more participative and functional rather than finding outlets for gee-whiz technology. Despite the fact that I am something of a technology junkie and love to use the latest gadgets, the prime thrust is that the functioning of our democratic system is not just the technology.

The inquiry was chaired very capably by the member for Preston. He is something of an information and communications technology enthusiast, and is certainly a reference point for all the latest and greatest in terms of what kinds of technology are available for members to use in this place.

The issue in the report that I would like to take up is the webcasting of Parliament over the Internet. It can take different forms. It can be complete in real time — that is, it includes all the proceedings, all day, from start to finish; or it can be partial or edited. Selective parts of the proceedings can be sent out over the Internet, as people may not want to watch every little bit that happens throughout a day.

There can be rebroadcasting at specific times, and of course an essential part from my point of view is the archiving and indexing. If it were sent out all day, not everybody would have the time to sit and watch Parliament all day, and perhaps not even the inclination, but they may want to search on particular issues, to see how their representatives performed, to see what the debate was and see it as it happened rather than read about it in *Hansard*. The reason we would like to do those kinds of things is to provide greater public access, particularly to people unable to attend, people who live significant distances away or people who do not have the time to get in here. Some people have difficulty accessing Parliament.

People who come in here often tend to spend only a few minutes looking at a particular snapshot of the Parliament, and it would be good to provide greater access to and a fuller explanation of what the proceedings are about. Being able to be selective is important because — and I hate to say this — a lot of what we do here may be boring to people on the outside!

Ms Asher — No! That is a shocking thing to say!

Mr LOCKWOOD — It is, but some people have said to me that these things are boring, so the ability to select what you look at is essential. There is potentially a high cost to webcasting. A cost benefit would need to be there, and the cost benefit could be questionable at the moment, although the cost of the various technologies involved is falling so the ability to cheaply webcast Parliament is fast approaching, depending on the standards we look at. If we do not want too much bright lighting and make-up, we could do it quite easily. It is not about how we look but what the processes are.

Some of the advantages would be overcoming the lack of mainstream media coverage of the Parliament. Not every news bulletin or newspaper wants to cover what happens in Parliament. It would also foster greater community participation and education, particularly for inquiries. When an inquiry is in progress and people want to be aware of what is gong on, perhaps the proceedings could be webcast so that people could keep an eye on what is happening and participate more.

With that ability there would be greater participation, because with consultation there is always a bit of an issue in finding the people. The biggest problem is letting people know that there is an issue that may affect them — that is usually done through newspaper ads or the *Government Gazette* — and it is difficult to reach everybody who might be interested. A well-known online portal and regular access to proceedings would be a great aid to people for government consultation on issues. There is a great deal of e-democracy already. Regularly in this Parliament I see the laptops of staff and members, which indicates there is great use of technology, and government departments make great use of the Internet to provide information and put out papers for consultation and allow for feedback. These are all good things. What I am talking about is an extension of that to give people the ability to see what happens and to feed into it.

Parliament in the home — some people might think that that is offensive, but that depends on how we behave. We could set a good example, set ourselves on the right tack and provide access for all.

Public Accounts and Estimates Committee: budget outcomes 2003–04

Ms ASHER (Brighton) — I wish to make a few comments on the Public Account and Estimates Committee report on the 2003–04 budget outcomes document tabled in this Parliament some time ago. I again commend this Labor-dominated committee for its willingness to tackle some of the hard issues. It has actually made some comments on the regional fast rail project, which I want to highlight in my contribution today.

The regional fast rail project is this government's single biggest embarrassment with major projects. I well recall the 1999 election promise of this project costing $80 million. At that stage the Labor Party did not expect to come into government and so did not cost this properly, and it naively believed there may have been some private sector involvement. So far we have seen some $670 million in blow-out in expenditure on this project, and it will be interesting to look at the final figures in this area — for example, I note that with the Commonwealth Games security is being allocated in a different budget to make it look as if the games will cost less than they will. I wonder, particularly given yesterday's revelation of a late contract for the film studio, whether other budget mechanisms will be used to conceal blow-outs in this project.

The committee made some comments about the cost and the time frame and provided two significant tables, at pages 214 and 215. The table at page 214, which looks at the funding flow for fast rail projects in 2003–04, indicates, even at this late stage of the project, a cost blow-out, if you like — the table calls it a cost variation — in the Ballarat, Geelong and Latrobe corridors. The committee makes some comments on this, and it is interesting to note its terminology. I think the public understands the concept that this is a project where there is a significant cost blow-out, but the committee has chosen an alternative set of words. It describes the problem as follows:

> Accordingly, work on two of the corridor upgrades progressed on or ahead of the 2003–04 schedule set out in last year's report, while progress on the remaining two corridors progressed more slowly.

The committee has revised the costings to take into account slightly more realistic post-event costings, or certainly the post-1999 costings. The committee also comments on estimated completion dates, at table 10.6, and seems to accept the government's proposition that this project will be completed in 2005. I note with interest that that was not always so. An article in the *Herald Sun* of 21 March 2000 states as follows:

> Premier Steve Bracks said the plan would be implemented within his first term.

At that stage the Premier was talking about travel times being cut significantly in Geelong, Ballarat and Bendigo. I also note that an article in the *Ararat Advertiser* of 21 March 2000 states:

> Premier Steve Bracks said yesterday high-speed train links between Melbourne and major Victorian country towns would be completed in the state government's current term of office.

I regard it as significantly brave of the committee to make some comments on this project. It is interesting to note its terminology. Instead of saying the project is late — I think of all the major projects in Victoria this is the one that is best known for being late and about which everyone has a big concept that it is late — the committee said:

> These dates have been revised in line with the need to sequence the works effectively to achieve the government's 2005 completion date and effectively use the available resources of V/Line, Freight Australia and the contractors.

Given the current debate about the use of plain English, the committee may wish to revise some of its terminology for its next report. Instead of the two pages of commentary about contracts the committee could have simply noted that the project was $670 million over budget and several years late.

The committee went on to recommend that the Department of Infrastructure set up a rigorous monitoring regime in relation to this project. My suggestion, however, would be that the government should have set up a rigorous monitoring regime on this from 1999 — and should certainly do so now.

Family and Community Development Committee: development of body image among young people

Ms McTAGGART (Evelyn) — As a member of the Family and Community Development Committee it is a great pleasure to rise today to speak on the report of its inquiry into issues relating to the development of body image among young people and associated effects on their health and wellbeing.

Firstly I would like to commend the work of my parliamentary colleagues — members for Chelsea Province and East Yarra Province in the other place, and in this house the members for Bellarine, Narre Warren South, Shepparton and Caulfield. I would also like to congratulate the committee staff on their hard work in preparing this rigorous report — the executive

officer, Paul Bourke; the office manager, Lara Howe; and the researcher, Iona Annett.

The issue of poor body image and eating disorders in young people has not been addressed by any state or territory government or by the federal government. I would like to take this opportunity to commend and pay my respects to the Minister for Employment and Youth Affairs for her commitment to addressing this not only Australia-wide but worldwide problem for our young people, and for her wisdom in calling for this report. Eating disorders in young people are a major concern for sufferers, parents, carers, health professionals, educators and the community at large.

I would also like to take this opportunity to thank the aforementioned group for its contributions to the committee. We travelled throughout the state and conducted public hearings not only in metropolitan areas but in rural areas, and we received many written submissions. We were quite overwhelmed by the amount of information and submissions we received.

While I was aware of the distress that anorexia nervosa can cause for a family through the stories reported by the media — we are probably all aware of Bronte Cullis's struggle from seeing her on *A Current Affair*, and earlier this week we saw on television a 10-year-old who is struggling with these issues — I did not understand how disturbing it is. At times I personally found it quite distressing to hear from sufferers and their families as to how the disorders can be triggered in the first place and what we can do as a government to address these issues.

The report is presented over five chapters whose topics include the introduction, the development of body image among young people, negative effects of problematic body image, treatment and support strategies, and health promotion strategies. Given the major focus in the media on the current obesity problem in adults and children, young people are under enormous pressure to fit into the thin ideal, and many young women in particular equate being thin to being a success and being fat to being a failure.

We really need to address this problem by not talking about size and weight but focusing more on healthy eating and physical activity. When we talk about being fat, overweight, or obese et cetera it can — and does — send potentially risky messages to our young people. In the past we have known that adolescence is an extremely difficult time for young people in all aspects of their lives — their schooling, their personal life and their physical development. At this time body image is extremely important to them due to peer and media pressure.

The committee has been informed by submissions, and it has been confirmed by recent research, that size-of-body image problems are appearing in children as young as four and five years of age. As a mother of four-year-old twin girls, it certainly raises my consciousness not only of the issues we face as adults but also of what my children are going to be subjected to at a very early age.

The report highlights how crucial it is that we address this problem by providing support to both primary schools and secondary schools by recommending programs that promote resilience and self-esteem, healthy eating and physical activity to assist our young people to combat these problems. We know that society places a strong emphasis on appearance, whether that be height, weight, beauty or shape, and certainly it puts pressure on individuals to strive for perfection. I would like to say that the committee found that a one-size-fits-all approach to body image problems and eating disorders is not appropriate; instead it needs a multidisciplinary approach, because the needs of individuals can be quite diverse.

Once again I thank the minister for calling for this inquiry and for her recognition of the importance of addressing the struggles our young people have in facing these pressures in their daily lives, particularly in dealing with body image and eating disorders. It will be an ever-changing challenge for governments and professionals to address the needs of our young people, and I would like to address these findings and recommendations in the house at a later date.

Economic Development Committee: labour hire

Mr DELAHUNTY (Lowan) — I would like to comment on the Economic Development Committee's final report on labour hire employment in Victoria. I am a member of that committee, along with other parliamentary colleagues. This was a lengthy inquiry covering 2004–05. In December 2004 we put forward an interim report with 16 recommendations, and in June we put forward this final report, which has 27 recommendations.

At page 15 this final report — it is interesting to note that the Minister for Industrial Relations is in the chamber — says:

> … the term 'labour hire' designates a triangular work relationship between the worker, the labour hire agency and the host …

At page 13 the report talks about terminology:

> Labour hire arrangement
>
> An arrangement where a firm engages workers on a temporary basis from a labour hire agency.
>
> Labour hire employee
>
> A worker who is employed by a labour hire agency to work for other employers, usually on a temporary basis.

It also talks about labour hire contractors and agencies.

The committee received many submissions, heard from many witnesses, had informal hearings and investigated overseas experiences, but most importantly we visited country Victoria, which was important from the point of view of The Nationals. With all the people we spoke to we picked up on the important point that most people supported the flexibility that labour hire provides in our work force. That looks a little bit like the sorts of issues that are going to be raised in the industrial relations debate that is about to happen in this place. The report talks about flexibility.

Labour hire obviously helps during highs and lows in seasons, particularly in the agricultural sector, where we have picking, sowing, pruning, shearing and harvest activities. We are also seeing it happen more and more in country areas, where industry, whether it be farming, other agricultural industries, mining or whatever, needs to have various skills available at various times throughout the year. Labour hire, as we know, is not only used for skill placement; it is also used to replace staff who are on holidays, sick leave, long service leave and maternity leave.

It is interesting to note that when it began its inquiry the committee started off focusing on the blue-collar area. We heard during this inquiry of the use of labour hire in hospitals and even in Parliament House, where the cleaners are labour hire people. Page 29 of the final report highlights again the rate of use and distribution of labour hire employment by occupation. These figures, which are from 2002, are the best we could get. They highlight the fact that for professionals there was an 18 per cent distribution and for immediate clerical sales and service workers there was 18 per cent distribution, while importantly for labour and related workers the distribution was down to 16.7 per cent. Again that highlights the fact that although we first thought labour hire would be focused on blue-collar workers, we soon found out that other industries and other sectors use labour hire too.

Labour hire occupies an increasingly important position in the Victorian economy, with about 25 per cent of all Victorian workplaces using it. The committee report makes 27 recommendations covering casual employment, workplace information, occupational health and safety, and skills training. The committee received evidence from many labour hire employees who were unaware of their entitlements. One recommendation we believe the state government should pick up is that an information campaign should be conducted for these employees on their rights and entitlements.

The committee also heard some concerns in relation to occupational health and safety. At page 97 the report discusses hold-harmless clauses, which are becoming increasingly prevalent and are even insisted on by some employers. The committee agreed that labour hire agencies and host employers should continue to have joint responsibility in the workplace for occupational health and safety. Even though labour hire gives employers the flexibility to bring in specialised and skilled people on a short-term basis, the committee made one recommendation that the state government commission an inquiry into skills training to address concerns about the growing skills shortages across Victoria.

I want to say thanks very much not only to my parliamentary colleagues, because it was a good committee to work with, but also to Dr Russell Solomon, the executive officer, Kirsten Newitt, the research officer, and Andrea Agosta, our office manager. We put them through a lot of pain in working on this report. I want to finish by highlighting again, because of the debate that will happen after this, that 30 per cent of the work force in health and community services, which is predominantly a state government area, come from the labour hire industry. It highlights again that the flexibility provided by the labour hire industry is needed by government too.

INDUSTRIAL RELATIONS: FEDERAL CHANGES

Mr HULLS (Minister for Industrial Relations) — I move:

> That this house opposes changes to the industrial relations system announced by the Prime Minister on 27 May 2005, including —
>
> (a) removing long service leave, jury leave, notice on termination and superannuation from awards; and
>
> (b) removing awards as the benchmark against which agreements including Australian workplace agreements are measured and replacing the award benchmark with legislated minima, being annual leave (no leave

> loading), personal leave, parental leave and a maximum number of ordinary working hours and a minimum wage set by a fair pay commission —
>
> and calls on the commonwealth government to guarantee that no Victorian worker will be worse off as a result of any changes to the industrial relations system.

On 1 January we saw a significant victory. I might say it was a victory of cooperation over conflict — a victory for state and commonwealth cooperation; a victory for a decent and fair award safety net.

On 1 January the award safety net, which includes 20 allowable matters, was rolled out right across Victorian workplaces. For many of the 350 000 schedule 1A workers in this state who were left on the industrial relations scrap heap by the Kennett government Anzac Day this year was the first Anzac Day on which they received penalty rates for working on a public holiday. It may well have been the first time they received annual leave loading to help take their families on a holiday. The schedule 1A workers to whom I earlier referred and their families received compensation for the first time for working long hours, working weekends and working late nights. And that is absolutely appropriate! For too long this group was left on an industrial relations scrap heap.

Employers also breathed a sigh of relief. Finally employers were rid of the two-tiered industrial relations system that was bequeathed to them by the Kennett government, where one employer paying decent wages and conditions was pitted against another employer paying a meagre wage on which families could barely exist. It was, indeed, an unfair lottery for both employers and employees.

The fair and decent safety net was flexible enough to meet the needs of individual businesses and their workers. Agreements could be reached between workers, unions and employers. Smart businesses used agreements to deliver innovative, progressive and internationally competitive work practices. But always — always! — there was an award safety net, the benchmark against which the independent umpire measured enterprise agreements to ensure that workers were not disadvantaged. There was always this award safety net that gave some real solace to workers and to fair-minded employers.

The delivery of the award safety net for all workers started as a Bracks government election commitment implemented by the introduction of legislation into this place. As the house would know, that legislation became the Federal Awards (Uniform System) Act 2003. I might remind the house that that legislation — fair legislation — was opposed by those sitting opposite. Then of course came the difficult part: negotiating with the commonwealth to pass complementary legislation to amend the federal Workplace Relations Act to ensure that Victoria had a genuine unitary system of industrial relations that provided a fair set of minimum award conditions.

Yes, finally, to its credit, after about 12 months of negotiations, we were able to convince the commonwealth government of the merits of a unitary system of industrial relations. We convinced the commonwealth government also on ensuring that there was a decent, fair, award-based safety net, and it was on that basis that it passed complementary legislation. The agreement between Victoria and the commonwealth delivered a collective slap in the face for those sitting opposite, who actually opposed the legislation and a fair unitary system of industrial relations. So even when the federal government was supporting what Victoria was doing, still those opposite had their heads buried in the sand.

The federal workplace relations minister said at the time that as a result of the changes Victoria had initiated a total of 350 000 Victorian workers would benefit from increased protection. He made that quite clear in a media release he issued at the time. The Australian Industry Group said of the Australian Industrial Relations Commission decision that created the federal common-rule awards that it marked, and I quote from a statement put out by Heather Ridout at the time:

> … significant progress in the building of a rational federal award safety net for Victorian workers.

The agreement between the Victorian government and the commonwealth government was appropriate, and it was reflected — and this is something we have to remember — as an object of the Workplace Relations Act amended by the federal government at the time. That federal legislation states:

> The object of this section is to provide access for all employees in Victoria to the award safety net of fair and enforceable minimum wages and conditions of employment established and maintained by the Commission in accordance with Part VI.

That is set out as an object in the federal Workplace Relations Act.

After the federal government's passing that legislation and ensuring that those 350 000 Victorian workers were lifted up into an appropriate award safety net, it all went horribly wrong. The commonwealth government got control of the Senate; it had a rush of blood to its

members' collective conservative heads; and it decided to declare war on the rights of workers. The commonwealth government turned its back on consultation in its rush to mow down the rights of Victorian workers and create a big, gaping hole in the family budget.

On 27 May this year the Prime Minister announced in the federal Parliament that awards would be reduced by the removal of long service leave, jury leave, notice of termination and superannuation. He has already announced that 20 allowable matters will be reduced to 16 allowable matters, and there is talk that those matters will be reduced even further. But worse was yet to come. The Prime Minister also announced that minimum wages will no longer be determined objectively by an independent umpire — he is taking the chainsaw to the independent umpire and instead, hand-picked, so-called experts appointed by the government will determine the minimum wage. They will use their economic rationalist life experience to determine what the minimum wage should be. The right to a transparent process and to decent and fair outcomes will be replaced by this political fix. This political fix is clearly designed to drive down real wages right across this country.

However, believe it or not, it got worse than that. Instead of an award safety net, the new safety net for the purposes of agreements, including individual contracts, is to be the minimum wage and so-called legislated minima. These paltry minima are annual leave with no leave loading, unpaid parental leave, personal leave and a maximum number of ordinary hours. Instead of having an independent umpire checking to make sure that workers' rights under legislation are being upheld, John Howard has announced that this function is to be handed over to the Office of the Employment Advocate. Anyone who has had any dealings with the Office of the Employment Advocate would know that it is nothing more than an ineffectual, bloated bureaucracy.

This is the worst nightmare for Victorian workers and their families. It might be Howard's dream but it is a horrible nightmare for Victorian workers and their families. The community has a genuine and, might I say, well-founded fear because long-established rights and conditions are up for grabs. I am sure members of this place have been contacted by hardworking constituents within their areas who have expressed grave concern and fear that the long-held conditions and entitlements they have considered to be their right are now up for grabs. We have moved from an award base as the launching pad from which innovative and productive work conditions can be negotiated to a real race to the bottom.

This is a race to the bottom. Workers will now have to negotiate to get back rights that have been community standards for generations. What the community has taken as its right for generations will now have to be bargained for, will now have to be negotiated. It is a shameful proposal. Let us be clear about what is up for grabs. Long service leave and annual leave loading will now be up for grabs. Penalty rates for working weekends and public holidays can no longer be taken for granted. Overtime and shift penalty rates can no longer be taken for granted. Compensation for expenses such as meal allowances, broken shift allowances, allowances for supervising others, uniform and tool allowances are all up for grabs. Redundancy pay can no longer be relied upon as it is now up for grabs. Meal and rest breaks are also now up for grabs.

These are things that have been a given in any productive, cooperative workplace. Now these things will have to be bargained for and negotiated in workplaces right across the country. This means we will effectively return to the dark, Dickensian days of schedule 1A workers. In a spectacular breach of its commitment to the Victorian government and Victorian workers, without any skerrick of consultation the commonwealth government has betrayed Victorian workers and their families and sold them out.

I guess the question we all have to ask ourselves when we are voting on this motion is what will happen when wages and conditions are gutted, as proposed by the Prime Minister? It is no good those in opposition saying we have to wait until we see the legislation. We are talking about what has already been announced by the Prime Minister. He has made it clear that his announcements will be enshrined in legislation. What impact will the announcements which have already been made have on workers?

We have done some modelling through Industrial Relations Victoria on how these changes will impact on workers. Our modelling shows that nurses on awards could lost 33 per cent of their annual income. Waiters are up for a 20 per cent wage cut. Hotel workers can expect to lose $173 per week. Can you imagine having 33 per cent of your annual income taken away? Can you imagine being a hotel worker and losing $173 per week? The fact is tradespeople and cleaners are all in for a cut. No-one will be left untouched as a result of the already announced changes.

Apart from families the other casualty of this radical industrial relations system is a unitary system of

industrial relations. I have made no secret of the fact that I support a unitary system of industrial relations but it has to be fair. It has to ensure that there is an appropriate safety net. It has to ensure that we have an independent umpire. It cannot hack into workers' rights and conditions. It cannot take an axe to an independent umpire. While I support a unitary system of industrial relations, the federal government has said among other things that by imposing these reforms and embarking upon a hostile takeover of state industrial relations systems we will at last get a unitary system of industrial relations around this country. That is a nonsense. Even on the commonwealth's own figures only 85 per cent of the workplace will be covered by this hostile takeover of state industrial relations systems. The commonwealth intends to use the corporations power to embark on this hostile takeover.

In Queensland some 40 per cent of the work force will still be covered by the state system. States and territories will still be hampered by a two-tiered system of industrial relations. The commonwealth will not achieve its objective of a unitary system of industrial relations by using the corporations power to embark upon a hostile takeover of systems around the country. We will still have at least a two-tiered system of industrial relations — a system of the haves and the have-nots, a system where businesses which have to pay penalties and other entitlements are competing with businesses that do not have to meet those standards. It will not be good for business to have this two-tiered, confusing system of industrial relations right across the country.

No wonder there have been so many critics of the proposed changes — individuals, community organisations and churches are all standing up to be counted in opposition to the Prime Minister's outrageous, radical proposals. You only needed to have seen the rally that was attended by about 120 000 Victorians in the city a month or so ago to realise that there is community opposition to these radical proposals. Church groups and community organisations are all speaking out about them. Cardinal George Pell, no doubt somebody known by the federal Minister for Employment and Workplace Relations, Kevin Andrews, has said the Prime Minister needed to express 'greater wisdom and magnanimity' in relation to his industrial relations changes.

The National Council of Churches has requested a meeting with the Prime Minister to discuss its concerns over the changes. The head of the Anglican Church in Australia, Archbishop Philip Aspinall, has been even more direct. He said the amendments to unfair dismissal laws would 'expose vulnerable people to unfairness', and he is dead right. If we believe in a fair society and a fair go, then we have no choice but to oppose these changes.

The Democrats have also stated they will oppose these radical reforms in the Senate and Senator Fielding also opposes them. He has put several demands to the government and through a spokeswoman says in an article that appeared in the *Age* of 29 July that he stands by these demands:

> Nothing has changed … The issue remains … the guarantees that workers currently enjoy for tea breaks, meal breaks and paid public holidays — this government intends to remove them. No Australian worker should be forced to bargain for a meal break. It's just not acceptable.

That is dead right. In another article Senator Fielding is quoted as saying of workers:

> Why should they have to bargain for something they already have now?

That is absolutely right.

Where are The Nationals in this debate? I do not know where the state Nationals are in this debate; hopefully they will get up and support the very sensible proposal that has been put, but new Senator Barnaby Joyce from the federal Nationals has predicted that there will be a hue and cry from the public once they realise that their right to iconic paid holidays will be axed. He also asked why people should have to bargain for something they already have.

In a quote that sums up the proposals enunciated by Prime Minister John Howard, Barnaby Joyce says:

> You'd have no chance of pushing that donkey around the yard.

He is dead right: these proposed changes are nothing but a sick donkey that should not have to be pushed around the yard.

Last Friday the state and territory industrial relations ministers met in Melbourne. They stood up to be counted in opposition to the radical changes. In unison the states and territories oppose the Howard government's attack on workers rights, and as a group we have made it quite clear that if he goes ahead with the changes that have already been announced and enshrines them in legislation, then — whilst of course we would have to look at the legislation — we will be off to the High Court to challenge any inappropriate legislation in relation to these radical proposals.

At the workplace relations ministers conference I asked the workplace relations minister, Kevin Andrews, to

sign a simple guarantee that would alleviate the concerns of workers that their pay packets were being attacked. It is not that hard to put pen to paper; even the shadow minister knows how to do it. It was a simple guarantee that the Prime Minister has given in the past. In 1996 the Prime Minister said:

> Under no circumstances will a Howard government create a wages system that will cause the take-home pay of Australians to be cut. Under a Howard government you cannot be worse off, but you can be better off. I give this rock solid guarantee our policy will not cause a cut in the take-home pay of Australian workers —

and the document was signed 'John Howard'. I asked Kevin Andrews to sign this statement:

> I give my written commitment to all states and territories that no worker will be worse off under commonwealth changes to industrial relations.

But was he prepared to sign it? The shadow minister says, 'That's a different question'. Just give the commitment! Take it to Kevin Andrews, introduce yourself, say 'I am Andrew McIntosh' and he will say, 'Who?'.

The ACTING SPEAKER (Ms Barker) — Order! The minister, through the Chair.

Mr HULLS — Say, 'I am Andrew McIntosh, the shadow Minister for Industrial Relations. They call me Marcel Marceau when it comes to industrial relations, because I have said nothing on the issue, but could you do us a favour — could you sign this so I can be relevant to the debate?'. Please go to him and get him to sign it, because he was not prepared to do it last week. The fact that he refused to sign a simple guarantee to ensure that workers will not be worse off under the commonwealth changes should send alarm bells ringing right through this house and right across Victoria.

The call from this house today should echo loud and clear all the way to Canberra — that is, we will not tolerate an industrial relations system that hacks into workers' rights and conditions and undermines the independent umpire. That is why I have moved this motion and that is why all members should support it.

In supporting this motion the house is also opposing the changes announced by the Prime Minister on 27 May. I am certainly opposed to those changes, because they are a clear breach of the legislative promise made by the commonwealth that it would provide a fair award safety net to Victorian workers. That was the promise they gave us, but what has been proposed is a clear breach of that promise.

I also say that what is proposed will result in a two-tiered system of industrial relations — a system that is as confusing and complex as that bequeathed to Victorians by the Kennett government. However, I am also opposed to the changes, because workers should not have to bargain for rights that they already enjoy. That is the reality. These are rights that have been held for a long time by workers, and what is being proposed is that workers have to now sit down and bargain for something they already have. Overwhelmingly I oppose the changes because they will undermine the capacity of Victorian families to pay the bills, including the mortgage.

I really expect that those opposite will support this motion. In particular I anticipate that the Leader of The Nationals will support the motion, because like his federal counterpart, Senator Barnaby Joyce, he knows that there is no real chance of pushing this donkey around the yard. He should support this motion because like the National Farmers Federation (NFF) president, Peter Corrish, I am sure he believes the new workplace package remains 'a significant issue for the National Farmers Federation'. Even this federation believes there are some real problems with these proposals by the federal government.

I also expect the Leader of the Opposition to come into this house and support the motion. You see, he has agreed publicly to support the Victorian government's decision to protect the long service leave entitlements of nurses against the commonwealth's outrageous attack. The Premier of this state made it quite clear that we will protect the long service leave entitlements of nurses in this state, and to the credit of the Leader of the Opposition he put on his me-too cap and said, 'So will I. I will protect them as well'. He can do that by coming in and supporting this motion when we vote on it.

What is being proposed by the federal government is that the entitlement nurses already have would be halved. So if you agree that nurses are entitled to their long service leave and that it should not be halved, then you should also be prepared to protect things such as annual leave loading and meal breaks from Canberra's radical changes. It is all well and good to stand on a public forum and say, 'Yes, I want to protect nurses' long service leave', but it does not take much more courage — and I am asking the Leader of the Opposition to show that bit of courage — to also come into this place and say, 'I want to protect annual leave loading and meal breaks as well'. That is what the proposal being put to this house is all about.

I want to conclude by saying that it is not too late for the commonwealth. The Victorian government has

demonstrated that with goodwill you can negotiate a decent national unitary system of industrial relations that enshrines the rights of workers, enshrines a fair safety net and enshrines an independent umpire and the role of an independent umpire. The commonwealth has two choices: it can support us or it can continue down the low-road path of hacking into workers rights and conditions. It can come back into the fold and commit to genuine, industrial relations reform. This reform starts with the commitment — a very simple commitment — that no Victorian worker will be worse off as a result of any changes to the industrial relations system. This is the commitment the federal government has to give. It needs to sign up to it, but so does the shadow minister.

Sitting suspended 12.59 p.m. until 2.01 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Office of Police Integrity: police files

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. Can the Premier explain why a memorandum from Detective Acting Inspector Jim Conomy, revealing that the Office of Police Integrity has no protected documentation procedures, no confidential information filing system, no note recording, storage or ID systems and no secure computer system, was not acted upon to prevent the present police files debacle?

Mr BRACKS (Premier) — I thank the opposition leader for his question. The Office of Police Integrity was set up under an act which went through this house — that is, the Major Crime Legislation (Office of Police Integrity) Act. That office has the responsibility of weeding out police corruption; that is its primary aim. It has some skilled and able people and has now been in place for — —

Honourable members interjecting.

The SPEAKER — Order! The member for Mornington!

Mr BRACKS — The Office of Police Integrity has now been in place for 12 months and has had to recruit those skilled and able people in that period of time. As I have mentioned in the past, I have full confidence in the Office of Police Integrity and in its capacity, and nothing will divert the office or the director from the task they have — that is, to weed out police corruption in Victoria.

Crime: incidence

Ms GREEN (Yan Yean) — My question is to the Premier. I refer the Premier to the government's commitment to making Victoria a safe place to raise a family, and I ask: could the Premier detail for the house any recent information that demonstrates how the government is delivering on that commitment?

Mr BRACKS (Premier) — I thank the member for Yan Yean for her question. Yes, there is recent information. Today I was very pleased to release, with the Chief Commissioner of Police, Christine Nixon, and the Minister for Police and Emergency Services, the yearly crime statistics for 2003–04, which show that for the fourth time we have had reduced crime rates in Victoria. On the last figures crime has reduced by 7.3 per cent, which puts us at effectively 16 per cent below the average crime rate in Australia, which is an outstanding figure.

We are a safe state, and when you look at the reduced crime rate we have seen from 2000–01 right through the last four years, you realise that we have seen a reduction in crime of more than 21.5 per cent over that four-year period. That is no surprise, of course, given the emphasis and the attention that this government has given to community safety, and today the Chief Commissioner of Police was congratulating not only her members but the community more broadly, and quite rightly so — councils, business, the whole community which has got behind the effort to make sure we have a low crime rate in Victoria, one of the lowest in Australia and one significantly below the national average.

One of the reasons we have a low crime rate in Victoria is the investment this government has put into police resourcing and support over the last five and a half years. Not only did we recruit a net additional 800 police in our first term; we are also well on our way towards achieving the extra 600 who, as the police commissioner said today, will be out of the academy, on the beat, on the street, by August next year. That will total 1400 extra police in Victoria since this government came to office. But this is not only 1400 extra police; it is many more, because we are replacing attrition and retirements in the police force as well. We are accounting for those, and then we are increasing the numbers, so there will be 1400 extra on top of that as well.

We have a record police budget at $1.6 billion, the highest police budget ever in Victoria's history. We have low crime rates. We are a safe state, and I want to congratulate and commend the police force in Victoria,

which is doing a great job — the chief commissioner and the police force more broadly — and to say to the police congratulations on what has been an achievement not only in this year but for the last four or five years.

Interestingly, if members look at the reporting arrangements and the crime rates, they will see the direct correlation between our investment, which started when we came to office, and low crime rates. What they saw before we came to office, when the previous government sacked 800 police, was crime rates going up and up. Crime rates have gone down, and we can be proud that we are living in Victoria and raising families in one of the safest states in Australia.

Office of Police Integrity: police files

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to the leaking of the 450 confidential police files, and I ask: what steps has the government taken to alert the individual Victorians involved that the security of their police file has been violated?

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question. As I indicated yesterday, the director, police integrity, has taken the necessary steps firstly to apologise and secondly to seek the Privacy Commission to investigate those matters. There will be a full report by the Privacy Commission on those matters, which I welcome and I know will be instrumental and useful for any new procedures that are required in the future.

Crime: incidence

Mr WILSON (Narre Warren South) — My question is to the Minister for Police and Emergency Services. I refer the minister to the Victorian crime statistics released today and ask the minister to update the house on how targeted police campaigns are reflected in the reduction of crime in key areas.

Mr HOLDING (Minister for Police and Emergency Services) — I thank the member for Narre Warren South for his question, because it highlights something Victoria Police and the entire Victorian community can take great pride in. That is the release today of the 2004–05 police crime statistics which show a 7.3 per cent reduction in Victoria's overall crime rate which accumulates on four consecutive year-on-year reductions in crime of 21.5 per cent. It is a fantastic result, and it is something both Victoria Police and the entire Victorian community can take great pride in.

Let us have a look at some of the statistics in more detail. We know that property crimes represent three-quarters of all crimes committed in Victoria. The property crime rate is down more than 10 per cent year on year; it is a 28 per cent reduction over four years. Thefts of motor vehicles are down 52 per cent in four years. This is a great — —

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster!

Mr HOLDING — It is a credit to the organised motor vehicle squad, which has worked very hard, and it is also a credit to the Chief Commissioner of Police's TOMCAT teams — the theft of motor car action teams.

Mr Honeywood interjected.

Mr HOLDING — The Deputy Leader of the Opposition mocks, but these squads have worked very hard to achieve a four-year 52 per cent reduction in thefts of motor vehicles.

I know the opposition has had a lot to say about the level of assaults. This is worthy of comment because it is of great interest to the people of Victoria. Victoria Police has taken action over the last 12 months to make sure for the first time that domestic and family violence incidents are taken seriously. The chief commissioner rolled out last year her code of practice for how domestic violence assaults are to be dealt with.

For the first time ever we saw this year a 72 per cent increase in the number of intervention orders sought by Victoria Police members in family violence situations. It is a very important result, and it shows that the curtain is being raised on the silence that existed in respect of family violence throughout Victoria. There was a 73 per cent increase in the number of charges laid by Victoria Police members in family violence situations. This is again a very encouraging result which shows that the code of practice implemented by the chief commissioner is working and changing not only the culture of Victoria Police but the willingness of Victorians to report this serious and insidious crime.

We are very pleased that we are able to celebrate a 7.3 per cent reduction in the crime rate. We remember when the opposition was in office we saw an 8 per cent increase in the crime rate between 1993 and the financial year 2000. We saw an 18 per cent increase in assaults and an 8 per cent increase in crimes against the person. We take great pride in making sure that for the first time in a long time and over the last four years the crime rate has been falling in Victoria. Our community,

streets, neighbourhoods, suburbs and workplaces are safer because of the actions this government has taken in resourcing Victoria Police and the efforts of Victoria Police members working in cooperation with their local communities to make sure Victoria continues to be the safest mainland state and a great place to raise a family.

Office of Police Integrity: police files

Mr WELLS (Scoresby) — My question without notice is to the Premier. I refer the Premier to the Victoria Police memorandum revealing the Office of Police Integrity has poor middle management, no adequate internal training, no p.m. shifts or after-hours rostering system and no best-practice management system, and I ask: when were the Premier and the Minister for Police and Emergency Services made aware of these allegations and why did they not act immediately to prevent a system breakdown resulting in the release of the police files of 450 Victorians by the OPI?

Mr BRACKS (Premier) — I thank the member for Scoresby for his question. I should inform the house that the memorandum referred to by the member for Scoresby has just been handed to me. This memorandum was given to the member for Scoresby two months ago — —

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order.

Mr Doyle interjected.

The SPEAKER — Order! I remind the Leader of the Opposition again that he is required to cease interjecting when the Speaker is on her feet.

Mr Cooper interjected.

The SPEAKER — Order! The member for Mornington!

Mr BRACKS — I am advised this was given to the member for Scoresby — —

Honourable members interjecting.

The SPEAKER — Order! I will not continue to tolerate this sort of behaviour from the honourable members for Scoresby and Mornington in particular. I ask them to cease interjecting in that manner.

Mr BRACKS — On 2 June this year I am advised that it was given to the member under freedom of information. And could I indicate to the house — —

Honourable members interjecting.

The SPEAKER — Order! I ask the house, particularly the members of the opposition, to cooperate with the Chair to allow question time to continue in an orderly manner.

Mr BRACKS — Could I indicate to the house that this memorandum, which was referred to by the member for Scoresby, is a memorandum which was written not six months after — that would be half reasonable — but six weeks after the establishment of the Office of Police Integrity. So this memorandum was written on 17 December — six weeks after the establishment of the Office of Police Integrity.

Mr Cooper interjected.

The SPEAKER — Order! I warn the honourable member for Mornington. If he insists on interjecting, I will remove him from the chamber.

Mr BRACKS — Of course the director of the Office of Police Integrity was establishing his office at that time — the establishment of new staff, new resources, new skills and all those procedures which are required for that new office. This has now been established for some time. This was written at a very early date, and I reiterate that the Office of Police Integrity is there as the watchdog against police corruption. It has our support, and we want to give it every capacity to do the job that it was required to do under legislation in this house.

Road safety: government initiatives

Mr NARDELLA (Melton) — My question without notice is to the Minister for Transport. I refer him to the government's commitment to making Victorian roads safer and reducing the road toll and ask: will the minister update the house on how the government is delivering on this commitment?

Mr BATCHELOR (Minister for Transport) — I thank the member for his question, because this is an area that the government is well and truly proud of. The Bracks government has given a strong commitment to road safety. The member for Scoresby laughs at that, but we are saving lives. We have given a strong commitment to road safety, and together with the Victorian community we will make all endeavours to ensure that Victoria is a safe place, as well as the best place, to bring up a family.

In historical terms Victoria's road toll continues to plummet for the third consecutive year. You would know, Speaker, that for the past two years we have seen

the lowest road tolls on record, and this year the road toll is heading towards making it a hat-trick of success, with the three lowest recorded road tolls in Victoria's history. Victoria's consistently low road toll is really no coincidence. It shows that the initiatives introduced by the government, supported by the Victorian community, are really delivering results. Almost $3 billion has been spent on initiatives to reduce the road toll. The Bracks government will continue to work for all Victorians to create safer roads for motorists, for pedestrians — in fact for all road users. The Arrive Alive strategy has been the most successful road safety strategy in recent times.

In fact the success of our Arrive Alive strategy is being acknowledged not only right around Australia but right around the world. Due to the obvious benefits of the Arrive Alive program, the Bracks government provided an additional $110 million through the Transport Accident Commission in this year's budget. That $110 million is to provide safety at high-risk intersections — intersections with a history of serious casualty crashes. The government has more to do. We thought we would have received the bipartisan support of the opposition, as governments have in the past, but that is clearly not the role of the current opposition.

It is important to note that this coming Christmas there will be at least 360 more people sitting down to eat their Christmas dinner, thanks to the achievements of our road safety initiatives in saving the lives of Victorians. Significantly, on these projected figures 130 of the lives that will be saved by the end of the year will be the lives of pedestrians — the most vulnerable of our road users, typically made up of people who are members of families, and that is why we can claim we are making Victoria a safer place for families.

We have done that through appropriate speed limits, enhanced enforcement and new infrastructure, and all of these initiatives, together with that important support from the community, have reduced by 40 per cent the number of pedestrian deaths during the term of the Arrive Alive strategy. It is a great result. It is one of which all Victorians can be proud and one of which the government is proud.

Office of Police Integrity: police files

Mr DOYLE (Leader of the Opposition) — I refer to the two-page Victoria Police memorandum listing a number of serious deficiencies in the operation of the Office of Police Integrity requested under FOI on 2 June by the member for Scoresby — incidentally, the day the Premier just claimed that the member had received it — and I ask the Premier: given that to this day the member for Scoresby has not received this document as requested, why has the government tried to hide this memorandum by failing to release it under the provisions of the Freedom of Information Act, and why did the Premier just claim that the member for Scoresby had received it?

Mr BRACKS (Premier) — Speaker — —

Mr Doyle interjected.

The SPEAKER — Order! The Leader of the Opposition has asked the question. I ask him to allow the Premier to answer it.

Mr BRACKS — First of all I thank the Leader of the Opposition for his question. I have had more time to examine it. It was actually — —

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier to sit down for a moment. I ask members, once again, to behave in a manner which enables the Premier to answer the question, which was in fact asked by the Leader of the Opposition. It is not possible for him to do so if members behind the Leader of the Opposition continue with such a high level of interjection.

Mr BRACKS — The member for Scoresby did request this on 2 June, and I correct the record on that, Speaker. As this has just been received by me, given that this was requested under FOI, I assumed it was received under FOI. Could I reiterate — —

Honourable members interjecting.

Mr BRACKS — I reiterate that this document was written on 17 December, just six weeks after the establishment of the OPI, and you would have thought, Speaker, that was — —

Mr Doyle — So your last answer stands, does it?

The SPEAKER — Order! The Leader of the Opposition will cease interjecting in that manner.

Honourable members interjecting.

The SPEAKER — Order! If I am required to stand every 3 seconds to get order, I will do so, but if the members in this Parliament wish question time to continue in an orderly manner, I ask them to behave in an appropriate parliamentary manner.

Mr BRACKS — I reiterate that this was written on 17 December 2004, and that was six weeks after the establishment of the OPI, and you would have thought

that this was insufficient time to make the judgments made in this document.

Youth: Internet safety

Mr WYNNE (Richmond) — My question is to the Attorney-General. Can he inform the house about proposals to protect the safety of the community by preventing the posting of unauthorised photos of vulnerable people, particularly children, on the Internet?

Mr HULLS (Attorney-General) — I thank the honourable member for his question. We are working, obviously, to make Victoria an even better place to live and to raise a family by making us the safest state in the country, and we are building a very strong track record of acting to protect kids, and we are doing that by leading a national initiative to address the serious issue that has been raised by the honourable member of posting unauthorised photos on Internet web sites.

The increased availability of digital and mobile phone cameras has provided new — and, I might say, insidious — opportunities for the exploitation of children and vulnerable young people. There have been some abhorrent incidents in Victoria and elsewhere where unauthorised photos of children have appeared on web sites linked to sexually explicit or pornographic sites.

Similarly the government has become aware of spy cameras and pen cameras being used to photograph under people's clothing without their knowledge. This has become known as up-skirting — or down-blousing, as it is referred to in a discussion paper. While an array of laws touch on this behaviour, including laws on surveillance devices, stalking and Internet content and classification offences, there are certainly some substantial gaps in the current laws. For example, a case in Queensland involved a man taking a large number of pictures of women and girls at shopping centres. He began with a photo of each woman taken from a distance and then a closer photo, finishing with a photo of the woman's underwear taken under her skirt, obviously without her knowledge.

A criminal charge of committing an indecent act could be laid with respect to the photos of underwear but not with respect to the other photos, which were really part of a course of conduct. This example highlights the need for community discussion and debate on this fraught area. While some in the community would argue that only the photos of the woman's underwear should be caught by the criminal law, I am sure others would argue that the entire course of conduct in taking the series of photos is offensive and should be prohibited.

We need community input and debate to determine how the law can balance an individual's expectation of privacy versus unrealistic expectations, or at least unrealistic restrictions on freedom of expression and artistic expression. I therefore initiated discussions with other state and territory attorneys-general and obtained their support for Victoria to develop proposals for national action in this area. I released those proposals for community discussion yesterday.

The proposals outline a number of potential changes to the law, such as creating a new criminal offence of posting unauthorised images of children on the Internet that a reasonable adult would consider to be offensive or exploitative or posted for the purpose of sexual gratification, and creating a new offence of taking and posting offensive or voyeuristic images of people in situations where they would have a reasonable expectation of privacy. Other proposals include clarifying the refused classification category to ensure that these images are captured for the purposes of online content regulation and canvassing some non-legislative options, such as an education campaign to better inform the community about privacy issues and mobile phone camera use.

Following this important community consultation, the discussion paper has gone out for people to give feedback on until 14 October. Victoria will certainly lead the implementation of initiatives to protect people — most importantly, children — from exploitation and voyeuristic breaches of privacy.

I want to conclude by saying that once again it is the Bracks government that is leading the way in advancing community safety as we continually strive to make Victoria an even safer place in which to live and raise a family.

Taxis: multipurpose program

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to the Minister for Transport's response to my question yesterday, when he admitted that metropolitan taxi operators are being paid a fee by the state government to encourage them to operate wheelchair-friendly taxis, and I ask: given its promise to govern for all Victorians, is it fair for the government to subsidise metropolitan wheelchair taxis but refuse to pay the same fee for similar taxis in country Victoria?

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question. As the minister responded yesterday, this matter was referred to the government by the Essential Services Commission, which recommended that we examine structural arrangements around the taxi industry in regional Victoria. We have taken up those recommendations, and we are doing exactly what the Essential Services Commission required — that is, to examine those matters. We will have further discussions with the industry more broadly about these options in the future.

Police: funding

Mr HELPER (Ripon) — My question is to the Minister for Police and Emergency Services. I refer the minister to the crime statistics released today and ask the minister to explain how extra funding for capital works and extra equipment has impacted on those figures.

Mr HOLDING (Minister for Police and Emergency Services) — I thank the member for Ripon for his question and for another opportunity to explain the great things that Victoria Police has been achieving on behalf of the Victorian people, particularly as evidenced today by the release of the latest crime statistics, which show that Victoria is the safest mainland state, with a crime rate that is 16 per cent below the national average, a crime rate that year on year has decreased — over the last four years — and a crime rate that is 7.3 per cent below the rate of last year, which was of itself about 18 per cent below the rates of previous years. They are great results which have come about because of the significant investment this government has made in resourcing and supporting Victoria Police.

This year the budget for Victoria Police was almost $1.5 billion, $300 million more than the Victoria Police budget when we came to office. It is a huge investment in Victoria Police and an increase that is now yielding significant dividends. For example, look at the police station construction program. When we came to office the previous government had been closing police stations. We have announced the refurbishment or the construction of — —

An honourable member interjected.

Mr HOLDING — Name one? Noble Park police station — and I can keep going if you like. The Doveton police station — —

Honourable members interjecting.

Mr HOLDING — We have announced the refurbishment or rebuilding of 136 police stations across Victoria — great news for the Victorian people. We have provided $286 million in capital works, delivering economic development into local communities and importantly meaning that Victoria Police personnel can work in facilities which are state of the art and are meeting their needs. I can see honourable members nodding their heads, because many of them have had the opportunity to be part of the opening of new police stations in their electorates which are delivering new things to their local communities. We also see new equipment being delivered to Victoria Police personnel. For example, we are seeing enhanced maritime security, with new boats, infra-red cameras and underwater surveillance and sonar equipment securing our ports.

We are seeing new lightweight ballistic vests and belts being used by police personnel to deliver better and more responsive police services on the ground. We are seeing enhancements to the Victoria Police forensic laboratories, which are being used to investigate the latest and most sophisticated forms of crimes. We are seeing for the first time the establishment of a multilingual CrimeStoppers line; and we have seen the establishment of the major crimes reward fund, which increases the resources for Victoria Police to attract the leads that will result in the solution of significant crimes in Victoria. At the moment we are seeing the rollout of the most comprehensive investment in Victoria Police communications in this state's history — the mobile data network and the metropolitan mobile radio system. That means that the police communications equipment will be integrated with the communications equipment of other emergency service organisations in the metropolitan area. It also means that police will be able to access real-time multiple databases to investigate and solve crime.

I contrast this to the experience the government faced when it came to office. We had a police force that had the highest attrition rate — 6.3 per cent — of any police force in any state in Australia. It now has the lowest attrition rate of any police organisation anywhere in Australia, which shows the high morale in Victoria Police. Police are enjoying the job they are doing, working to make Victoria a safer place.

We know we have increased police numbers. The previous government promised 1000 police, and slashed 800 police. We promised 800 police in our first term, and we delivered those. We are well on track to delivering 600 police in our second term. At the moment 311 police members are going through the academy, the next generation of Victoria Police recruits, who will help to make sure that Victoria Police continues to be a progressive, community-focused,

outward-looking organisation able to continue to work with Victorians to deliver the lowest crime rate Victoria has experienced in 15 years.

The SPEAKER — Order! Question time has concluded.

Mr Honeywood — On a point of order, Speaker, I wish to make a point relating to personal explanations and the notification provided of them on the daily program. The Minister for Tourism explained to an empty chamber yesterday, a long time after question time had finished, how he had not in fact — —

Honourable members interjecting.

The SPEAKER — Order! Members are required to be quiet while other members are raising points of order.

Mr Honeywood — The Minister for Tourism explained how he had not in fact sent letters to federal ministers, which he had claimed previously in this chamber to have done. I therefore ask your guidance in terms of personal explanations.

Why was the Minister for Tourism's personal explanation not listed on the daily program yesterday, which is the practice in this house? As members we are informed of when a personal explanation is to occur. Given that this occurred two and a half weeks ago, there was plenty of time for it to be notified to members on the daily program rather than being voiced in an empty chamber a long time after question time. Secondly, when were you, as Speaker, made aware of the Minister for Tourism's intended personal explanation, and was this not in time to publish notification of it on the daily program? I seek your guidance.

The SPEAKER — Order! I am more than happy to discuss this with the Deputy Leader of the Opposition, but he appears to be asking me a question at the moment. If he would like to come and see me when I finish in the chair at 3.30 p.m., I will be more than happy to discuss the matter with him.

INDUSTRIAL RELATIONS: FEDERAL CHANGES

Debate resumed.

Mr McINTOSH (Kew) — In relation to economic reform in this country, it has been an interesting road over the last 20 years. The process of reform is not something that only John Howard has undertaken for the benefit of this country. It was not even in the area of industrial relations that the process of reform of workplaces around this state commenced, and it cannot be directly attributed to either John Howard or the Howard government. Industrial relations is part of an incremental change and is part of a much more global picture of economic reform. Indeed under the Hawke-Keating government, whatever else you can say about it, there were developments in the deregulation of the financial markets and a substantial reduction in tariffs, with a continuing process of tariff reductions and the enabling of free trade with other countries.

One of the significant developments in relation to industrial relations reform started with Paul Keating back in 1994. On previous occasions in this house I have quoted Paul Keating with admiration in relation to his 1993 proposal which was subsequently put into legislation. That saw a massive change away from the award system and a development of a position where both parties, employer and employee, certainly at a collective level, would be able to negotiate the appropriate arrangements. Those developments in 1993 were built upon by John Howard in 1996.

Notwithstanding the fact that what John Howard did was part of that incremental change and that process, of course the usual suspects were criticising what he did up hill and down dale. The current shadow federal minister for industrial relations is on the record in 1995 as saying that essentially the earth would stop if John Howard was elected and implemented his reform agenda. How wrong could everybody be!

Since 1996 we have had the passage of the workplace relations reforms, and we can see substantial jobs growth around this country. There are now 1.6 million new jobs which have been created since 1996. Unemployment is at a 30-year low. There are higher real wages. It is interesting to compare the record of the Hawke-Keating government with that of the Howard government. In relation to the Hawke-Keating government, real wages in this country grew, in the entire time of that government — some 13 years — by 1.2 per cent. That is, real wages, after you take inflation into account, grew by a meagre 1.2 per cent.

If you compare that with the 10 years of the Howard government, you see that it has delivered some 14 per cent real wage growth. Not just 100 per cent, not just 200 per cent, but 14 times the growth that was delivered by the Hawke-Keating government, notwithstanding the apparently much-vaunted labour accord between the government and the Australian Council of Trade Unions, which was supposed to deliver real wage growth but failed pitifully.

We see low inflation, low interest rates, low taxes, increased family benefits, higher productivity and, above all, higher living standards. A recent report from the National Centre for Social and Economic Modelling found that last year, following 10 years of wages growth, the benefits flowed in greater proportion to low-income households. They were the major beneficiaries of the Howard reforms in relation to industrial relations, a process that was incremental and built upon the notion of enterprise agreements that was first initiated by Paul Keating when he was Prime Minister.

On top of that, notwithstanding the prediction by the federal member Wayne Swan back in 1995 that the earth would stop rotating if John Howard were elected as Prime Minister, the level of industrial disputation in this country is at an historical low. In fact it is at the lowest level since federation and there certainly has been a dramatic drop in the last 10 years. Most importantly, there are still problems with the system that need to be looked at. I have the clear impression from the Business Council of Australia and from the small employers that I speak to that one of the major problems they face is the turgid, anachronistic industrial relations system in this country. It is confusing and it is certainly inconsistent.

We have six industrial relations systems around this country, which are all different and all have different parameters that must be worked within. National corporations must adopt all of those six systems to deliver an outcome not only for each company but for its employees. As I said, the system is confusing and inconsistent.

The award system is based on an adversarial Dickensian model. I heard the minister use the word 'Dickensian' and I have to adopt it — the industrial relations and awards system is a complex, costly and inefficient Dickensian model. As evidence one only has to look at the thousands of federal and state awards that deal with individual companies. In the case of shop distributive industries, up to 17 000 apply to Victoria alone.

Ms Campbell interjected.

The SPEAKER — Order! The member for Pascoe Vale!

Mr McINTOSH — It just seems to me to be bizarre and Byzantine and Dickensian — but it is appalling. At this time in Victoria and as a Victorian — —

Ms Campbell interjected.

The SPEAKER — Order! The member for Pascoe Vale will cease interjecting.

Mr McINTOSH — As a Victorian I welcomed the original referral of power by the state government of Victoria to the commonwealth in relation to industrial relations, and I welcome the fact that this state government has consistently supported that unitary system of industrial relations — the concept that at least Victoria has only one system of industrial relations which has delivered substantial benefits. But as I said, on the horizon there are still grey clouds which are the confusing, costly and inefficient mechanism of setting awards and conducting industrial relations in this country.

I will go through each of the changes proposed by the Prime Minister. Those changes are the benchmark the minister is using, because we have not yet seen the detail of the bill, although I am in regular contact with the federal minister's office and certainly as recently as this morning those legislative — —

Mr Maxfield interjected.

The SPEAKER — Order! The member for Narracan is out of his seat.

Mr McINTOSH — Those legislative changes proposed by the commonwealth government through the Prime Minister are in accordance with the speech made by him in the federal Parliament on 27 May. The commonwealth government wants to streamline the process for making workplace agreements, to make it easier to enter into a workplace agreement and to establish whether agreements are collective or individual — but the emphasis is similar to what it was when this country was headed by former Prime Minister Paul Keating.

He said he had anticipated the decline of the award system because more and more issues should be devolved to individual workplaces to enable workers and employers to work out their own bargain that best suited them. Indeed, John Howard has proposed that all workers who participate in that agreement should be enabled to make process as they see fit. If they want an award, they can have an award; if they want a collective agreement, they can have a collective agreement; if they want to have an individual contract or an Australian workplace agreement (AWA), then they are entitled to so choose. This is about choice; it is about providing Australia's workers with choice — the choice to participate, to bargain and to determine what they want to do.

Ms Campbell interjected.

The SPEAKER — Order! If the member for Pascoe Vale wishes to speak, the member can stand later, but I ask her to be quiet now.

Mr McINTOSH — But it would not be at the behest of the trade union movement or of a Labor government, as the member for Coburg has enunciated. The most important thing is that this is not about what unions want and not necessarily about what the Labor Party wants. This is about what individual employers and individual workers want: this is about providing choice.

As I said, there is no change in relation to the collective ability. If a worker wants to be part of the collective, they can be; if they want to be part of an arrangement that they negotiate themselves, they can be. This is about choice and fundamentally anybody who goes out there and says this is about depriving workers of their rights and entitlement is just plain dumb or telling a big pork pie. It is a lie, because clearly they have not read what the Prime Minister said. They certainly have not considered it, because the most important thing it is about is providing choice. It is about providing workers of Australia with choice as to what suits them. Every single worker will be entitled to have their employment conditions be part of an award or part of a collective agreement, or indeed to enter into their own individual contract of employment with their employer and their AWA.

As for the process for adoption, rather than the turgid process we currently have, the lodgment of a collective agreement or an individual AWA at the federal Office of the Employment Advocate will immediately bring that particular agreement into effect, as long as one thing is satisfied — the one thing that the Labor Party hates and the one thing that the Labor Party will not tolerate, because it is being driven by its union masters.

The one thing that enables the creation of an agreement that can be lodged at the Office of the Employment Advocate, whether it is collective or whether it is individual, is a simple thing that is completely anathema to the Labor Party — that is, mere consent between a worker and employer, or mere consent between a collective of workers and employers. That is what justifies this agreement taking effect from the moment it is lodged with the employment advocate. It is based upon consent.

Most importantly, and the Prime Minister has said this himself, if a worker wants a union to represent them in the collective agreement or an individual employment arrangement, they are entitled to have a union represent them. If they feel the need for that, they are entitled to have anybody represent them in those negotiations — be it a lawyer, be it a union, be it even a member from the Labor Party who does not understand the word 'consent'. Once there is consent between a collective or an individual, even if it involves a union participating in the agreement, it can be lodged with the Office of the Employment Advocate and it will immediately take effect.

There is a lot of hyperbole about taking away conditions, wages and entitlements. As I said, this is a reflection of the people on the other side being either dumb or completely illiterate and unable to understand consent and choice. While the number of award-allowable items in the Workplace Relations Act is likely to be reduced in the ways that have been adumbrated — certainly from the current 20 allowable items possibly down to 15, and we will have to wait to see the legislation — the Prime Minister has already announced that such things as long service leave and superannuation are likely to be taken out of the allowable items in the act.

But guess what? You can put anything you like in your individual agreement if you consent and if it is your choice; and similarly you can do so if you want to put it in your enterprise agreement. If it is your choice and you consent, you can put it into your individual agreement or into your collective agreement. Indeed, superannuation and long service leave could be part of that package if you so choose. As members opposite know — and those who have had any involvement with the trade union movement over the last few years will already know — various things are regularly part of an enterprise agreement, done on the basis of a collective agreement, with or without a trade union, as well as individual workplace agreements. Notwithstanding the fact that they may not be allowable items, they can be included. Merely taking them out of the allowable items that can be incorporated into an award does not prevent parties from agreeing.

What have we seen over the last few years to put paid to this lie? Let us just take the long service leave entitlements of nurses. Is that set in the award? Anybody in the house should put up their hand if they know whether the nurses' entitlement to 26 weeks long service leave is set into an award anywhere in the state of Victoria. The answer is no! Workers' entitlements can be described as they see fit, and in the case of nurses this is part of an enterprise agreement that was entered into with the nurses federation on behalf of a particular collective of workers in workplaces, and that formed part of the agreement. In the nurses'

negotiations with the government, the government conceded that point.

And who has legislative responsibility for long service leave in this country? It is still the states. All of you people over there looking a bit smug will of course recognise the hypocrisy of what you say. We, about two months ago, made amendments to long service leave — —

Mr Nardella interjected.

Mr McINTOSH — No, we made amendments to long service leave, and I think the member for Melton agreed with that. There were amendments to the Long Service Leave Act that set base minimum entitlements for workers in relation to long service leave. If nurses choose, as part of their bargain with their employers, to go higher than 26, that is their entitlement.

In relation to superannuation, there is a commonwealth act that sets a bare minimum, which is that an employer has to contribute 9 per cent of salary into a superannuation entitlement. Again regularly in this state and around this country, as part of a collective agreement or part of an individual workplace agreement, these are negotiated above the bare minimum provided by statute, and I emphasise 'statute'. The bare minimum in relation to long service leave is provided by state law, as is the bare minimum for superannuation provided by commonwealth law.

The most important thing is that you can include anything in your bargain, because it is your agreement. You choose to be a party to that agreement, whether or not it is a collective agreement and whether or not it is an individual agreement. The most important thing about this particular collective is that you can include anything. There is just one exception to what you can include in a collective agreement or an individual contract that will be enforceable. You cannot put anything in that collective agreement that offends against freedom of association — which you people hate! You hate the idea that someone would choose not to be a member of a union — —

The SPEAKER — Order! I ask the member to address his comments through the Chair.

Mr McINTOSH — As I was just saying, most importantly the Labor Party hates the idea of freedom of association — that is, that you might actually have the right to choose which organisation or association you would want to be a member of.

If you choose to be a member, yes, that will be enshrined in this legislation promised by the Prime Minister; if you choose not to be a member of a union, then that also will be enshrined. What you cannot do is put something in an enterprise agreement that will somehow offend against the freedom of association provisions, such as compulsory union membership or having a closed shop at the workplace entitling only a particular union or group of unions to be represented, with all employees having to be members of a particular union. There is no difference. The Labor Party hates freedom of association, and it hates consent and choice. That is the real problem here.

The federal government is providing what I would have thought to be a fundamental right in delivering choice: it is delivering consent. It is delivering, essentially, with this proposed legislation, the idea of freedom of association. It is the one thing that cannot be included in an agreement. You cannot compel somebody to be part of a union, to participate in a union, to be part of a closed shop or even to pay union bargaining fees because it offends against the freedom of association provisions. If you choose to put long service leave in there as a higher entitlement, that can be part of your bargain and you are entitled either as a collective or at an individual level to put it into that agreement and it will be enforceable at law. I also note that significant benefits can flow from this flexibility. The nurses got that flexibility by undertaking their own agreement on 26 weeks, and good on them!

The Leader of the Opposition and the shadow Minister for Health have indicated that an incoming Liberal government would adhere to that, that it would be a special case in relation to the nurses and they would be willing and able to enter into that arrangement if the nurses chose. Guess what? That can be done under the Prime Minister's proposals. There should be no fear that they could lose that. Anybody who is running around the country saying nurses are going to lose their long service leave entitlements is telling a lie. They are lying because they hate consent, they hate choice and they hate the idea of freedom of association.

In relation to individual workplace agreements, I note that Victoria is just behind Western Australia. Some 40 per cent of Victorian workers are on Australian workplace agreements (AWAs). This is a profound contrast to the so-called safety net — something former Prime Minister Paul Keating wanted to see removed from the Australian industrial relations system — —

Mr Merlino — Rubbish!

Mr McINTOSH — I apologise that I do not know the member's seat, but he says Paul Keating did not say that. I will show the member the quote from Paul

Keating. He wanted to see the removal of the Dickensian, arbitrary system of awards to move to an ability to enter into agreements in the workplace. Indeed, some 40 per cent of Victorian workers are on individual agreements — second only to Western Australia. About 20 000 people are moving onto AWAs every month of every year. In Victoria, for example, as a result of the introduction of common-rule orders — this thing the Minister for Industrial Relations promised would be so good for the lowest paid workers because they did not like schedule 1A and they wanted to do something else with penalty rates and all of this stuff — there were nearly 7000 AWAs in January alone. It is building. People are voting with their feet — they love the idea of having the ability to individually bargain for the arrangement that best suits them, as defined by them, not defined by the trade union movement and particularly not defined by the Australian Labor Party.

There is a lot of concern about minimum wages and standards. The Labor Party wants to depend on the industrial relations club where the employer advocates and the union advocates nut out a little deal behind closed doors and impose that on employers and employees through the current award system. However, people should have the ability to have a safety net. The Minister for Industrial Relations was talking about a legislative safety net in relation to something like long service leave where there is a statute setting out the bare minimum and you can go above that but you cannot go below it. In relation to superannuation, that is guaranteed by statute. John Howard wants to implement a legislative safety net just like that through his legislation.

Part of that proposal is that once you have something, you cannot reduce your entitlements. You can talk about what you want to do with wages and salaries, but there will be a legislative provision for four weeks annual leave for example — and I would have thought that was the national average. It will be incrementally changed by the Fair Pay Commission. The commission will meet regularly and increase that entitlement in accordance with all sorts of things like the opportunity for people to participate in jobs, the opportunity for people to get a job and the impact of something like inflation on those matters.

The desire is that once people are released from the shackles of the award system productivity will increase. It has done so dramatically and delivered a 14 per cent rise in real wages around this country already. Once you rid yourself of those shackles you will still get four weeks annual leave, because that will be legislated for by John Howard. Despite all this guff about losing it or selling it, the only issue is that if you have accrued annual leave — that is, not the four weeks annual leave but accrued untaken annual leave — you can elect to cash that accrued annual leave in, but only two weeks of it. This is accrued annual leave, not your entitlement to four weeks every year. That cannot be negotiated away. If an individual, not being directed by the trade union movement but exercising their fundamental right to freedom of association, consents to that, why should they not be able to do it?

Personal leave will still include sick, bereavement and carers leave. You also have parental leave. There will be a whole raft of these legislative minimums which the Fair Pay Commission will be able to put up but not down. It is anticipated that the commission will adopt the national wage case as a base minimum, so it will not go down. However, if a person wants to put in something they want to talk about, whether it is penalty rates, leave loading, long service leave or relates to superannuation, they can put it in. The only thing they cannot put in there is something that would offend against the provisions of freedom of association.

Unfair dismissal laws in this country have been a triumph of process over law. They provide a great job for a lot of lawyers and unions and things like that, they are much vaunted. The provisions will remain the same. In fact I have spoken to the federal Minister for Workplace Relations, Kevin Andrews, about family responsibilities. Whatever else you say about Kevin Andrews, he is committed to families. I read at the bar at the same time as Kevin Andrews, and we shared a floor for a number of years before he went into federal Parliament. The most important thing is that whatever else you say about Kevin Andrews, he understands how a family operates and he understands family responsibilities. Guess what? The provision that makes it unlawful and illegal to dismiss somebody because of their family responsibilities, such as the crap that the Australian Council of Trade Unions was going on about — —

The SPEAKER — Order! I ask the member to ameliorate his language.

Mr McINTOSH — I am sorry, Speaker. The Australian Council of Trade Unions — is that the ACTU?

The SPEAKER — Order! I suggest the member for Kew take his position seriously.

Mr McINTOSH — As I said, the unfair dismissal provisions that make things illegal and unlawful will if anything probably be ramped up. Matters relating to

discrimination in the workplace based on sex, religion, race, family responsibility or pregnancy will stay as they are now and may very well be beefed up; we will wait and see. If some employer breaches the obligations imposed on them by that act by dismissing an employee in contravention of the provision relating to family responsibilities, it will amount to, firstly, a criminal offence, secondly, the onus of proof will be reversed against the employer, and, thirdly, they will have to pay compensation. Those provisions will remain exactly the same. All that is happening is a profound reform to prevent this triumph of process over legal outcome.

That will be a dramatic improvement in this country. Indeed, the Melbourne Institute recently identified unfair dismissal laws as one of the most significant job-destroying factors in this country. It estimated that an immediate effect of getting rid of unfair dismissal laws could be the creation of some 77 000 new jobs in the short term. Unfair dismissal has proven to be a job destroyer in this country.

The most important thing is that we in this place all agree with the idea of a national workplace system. John Howard is providing something that will deliver flexibility, choice and all of the terrifying things members opposite are talking about, like long service leave. I can see what they are saying and all the mythology that is being created. Long service leave will be an entitlement put into your collective agreement or your AWA if you choose. Superannuation can go in. We will now have a legislative bare minimum in relation to things like wages and entitlements which will be assessed just like the state government does in relation to long service leave and the commonwealth does in relation to superannuation. It can go up from the base minimum, but it cannot go below because that would be illegal.

At the end of the day the Labor Party is only doing the bidding of the trade union movement in moving this motion. It is a matter of note that since the Bracks government was elected as the government of this state more than $8 million has been delivered into its coffers by the trade union movement.

The government's position has nothing to do with wages and entitlements, superannuation or long service leave. When you look at it you can see it logically has to do with control over workplaces. It is about what is now a peripheral group in our community: some 17 per cent of private sector workers are trade union members. Indeed there are more independent contractors in this country than there are members of the trade union movement. Yet the trade unions still demand their monopoly entitlements, and they are prepared to pay $8 million to the Bracks Labor government alone to get it to deliver their outcome.

Jobs are safe and conditions are safe. John Howard is the Prime Minister, and he is delivering an outcome — 14 per cent real wages growth over the last 10 years. That is something the Bob Hawke and Paul Keating could not deliver during their 13 years of Labor in and around the 1980s.

Mr WALSH (Swan Hill) — In rising to speak on this motion I indicate that The Nationals believe the minister has missed the point on this whole issue. The reforms being talked about are to do with increasing the number of jobs in Australia — in particular, increasing workplace participation — and increasing the real wealth of Victorians as we go forward. It is about maintaining a strong economy and keeping or improving the standard of living we currently enjoy. What the minister is on about is blatant scaremongering. It is like Henny-Penny in the farmyard saying that the sky is falling. The sky is not falling! This motion and the contributions to the debate from the government benches are about misinformation, scaremongering and continuing the government's bent for spending taxpayers money to promote bad policy.

Look at the advertisement the government recently ran in Victorian newspapers. It says that under the proposed federal government changes:

> Wages can be cut, with no fair minimum wage …

Not true.

> Nearly one million Victorian workers will no longer have access to unfair dismissal protections …

Not true.

> Overtime rates, annual leave loading, redundancy pay and penalty rates for weekends … shifts … will all be up for grabs …

They may be up for negotiation, but they will not be taken away. People will not lose their breaks. The government spends taxpayers money to encourage people to ring their federal members about this. Is that a good use of Victorian taxpayers money to have this government running advertisements like that? This is very similar to the situation — —

Honourable members interjecting.

The SPEAKER — Order! I ask the Minister for Manufacturing and Export and the member for Monbulk to be quiet and allow the member for Swan Hill to continue.

Mr WALSH — This is very similar to the situation we had with the mountain cattlemen issue, where the government made a bad decision and spent a fortune in taxpayers money to advertise it. The government not only spent money on advertising but also doctored the photos to twist the story. This government is very good at scaremongering and at twisting the story.

One of the issues we need to bring to the fore in this debate is people's alliances. Is a lot of what we are hearing from the other side of the house real concern, or is it about protecting the funding base of the Labor Party? It is interesting to look at the funding and disclosure section of the Australian Electoral Commission's web site. There you will see donations, or 'other receipts', as they are called, from a lot of unions in Victoria to the state government. You will see a donation of $168 000 from the Australian Manufacturing Workers Union, a donation of nearly $36 000 from the vehicle division of the AMWU, a donation of $45 000 from the Australian Workers Union and a donation of nearly $57 000 from the construction and general division of the Construction, Forestry, Mining and Energy Union. As you go through you see that quite substantial donations have been made to the Labor Party from the trade union movement. So is this about protecting the funding base of the Labor Party in Victoria, or is it about real concerns to do with how we can go forward and create jobs and employment opportunities into the future?

In this debate we seem to have lost sight of the fact that there are two sides to an employment agreement. There are employers and there are employees, and what I have heard from the other side of the house only focuses on the employee side of the debate, not — —

An honourable member — That is not true.

Mr WALSH — It is true. That is all I have heard from the other side of the house. It is not focusing on what is fair and equitable for both employers and employees. If you do not have employers, you do not have employees, so we need to make sure that we have some balance in this debate, because it is the employers who create the jobs, and without them there would be no jobs. In listening to the debate there seems to be a view from the other side of the house that every employer is out there to screw people. This is just not true. If you go out into the workplace you will find that the vast majority of employers have a very good working relationship with their employees and everything goes along very well.

However, the Minister for Manufacturing and Export seems to have lost sight of the fact that it is those employers who have a good working relationship with their employees in the future that can take the opportunity to sit down and talk with their employees and negotiate a good outcome for both sides of that agreement — the employer and the employee — to make sure that we actually have a productive sector here in Australia that can compete in the global market going forward, create jobs and do the things that are needed to make sure that Victoria has a great future.

The Business Council of Australia in its recent report on this said that, without the reforms undertaken since 1983, unemployment in Australia would have been 8.1 per cent in 2003–04 compared to 5.8 per cent now. This equates to 315 000 more jobs that have been created over that time because we had reforms, and we need to continue to have reforms. You do not shut the door and say, 'We are not going to change anything into the future'.

An honourable member — You do not slam it in people's faces.

Mr WALSH — The door is not being slammed in people's faces. The majority of jobs in Australia are created in the private sector, and this is about making sure that employers have the opportunity to keep doing the things they want to do to create more jobs into the future. The thing that most employers are very unhappy about in the situation we have at this time, which is something that the proposed changes are going to fix, is this issue of unfair dismissal. If you go and talk to any employers, particularly small business employers in the country towns I represent, and ask what their biggest single concern is, they will say that it is when they employ someone, it is this issue of being stranded and of having an unfair dismissal claim against them when they are a small business and do not have the resources to shut the shop and go away and fight it.

I would like to quote a couple of excerpts from an address by Mark Bethwaite to the Australian Business Industry Council. He said:

> The unfair dismissal legislation in state and federal jurisdictions is an example of well-intentioned legislation to protect employees which has been debauched over time … with newspaper and radio advertising attesting to the fact that there are opportunistic law firms and other agencies seeking to encourage former employees to bring unfair dismissal cases against employers, irrespective of the merit of the case. The 'industry' exists and relies on the knowledge that employers will settle a claim on the basis that it is not commercially viable to proceed, particularly if the employer is a small business whose proprietor cannot afford the time to contest the issue.

This is the issue that is constantly raised with employers that I speak to in my electorate. It is not just

an issue for the conservative side of politics. In that same speech Mark goes on to say:

> It is not only those on the conservative side of politics that acknowledge the problem. Tony Burke, federal Labor's recent shadow minister for small business (now the shadow minister for immigration) has correctly said that small businesses are susceptible to speculative unfair dismissal claims. What he calls 'go-away money' is the norm.

People are concerned about this issue, which is one of the reasons that they are quite often hesitant to take on employees. I have another quote from another federal member of Parliament:

> The problem that employers confront is when you get a bloke, or a person who is an employee, who is a con artist, a rorter, who knows that if you can get the small businessman to shut his shop for a couple of days, drag him down to the IRC and put him through the mill it will be worth ten grand for him to send you away. And you get a lawyer who is prepared to do it for that and take three from you and you take seven and walk out the door.

The person who said that was 'Bomber' Beazley. We have the federal Leader of the Opposition acknowledging that this is a real issue for employers. It is one of the issues that these changes will hopefully fix in the future so that we actually have the opportunity to create more jobs here for Australia. If we do not get this balance right in the relationship between employers and employees, we are not going to create the jobs that we need into the future.

Having listened to the debate before lunch when the Minister for Industrial Relations was talking about the National Farmers Federation and its concerns with this legislation, I can say it is not the case that the NFF is opposed to this legislation. Its concern is the issue of using the Corporations Law to implement it, because a lot of farms are individual businesses and those employed on the farms are under the pastoral award. If it is only in the Corporations Law and the employer is not a corporation workers will actually lose coverage under that award.

The NFF is only concerned with that area of the legislation. It supports the principles, but it wants to make sure that individual businesses under the pastoral award can be part of it. It has no other concerns with this as the minister may have alluded to. The National Farmers Federation has a long history of being a great advocate for positive reform in Australia making sure that we have a competitive economy and a competitive industrial relations system. As traders and members of one of the export industries of this country, members of the federation know they represent the people who have to have a competitive workplace and a competitive economy, otherwise we will miss out on markets around the world.

We spoke about the issues the state government has raised concerns about, but if you go to the categorical statements of the federal government — —

Mr Merlino — What categorical statements?

Mr WALSH — If you read the advertisement in the *Herald Sun* of 24 July, it is there in black and white. It says:

WHAT WE WON'T DO:	
WE WON'T cut 4 weeks annual leave	WE WON'T remove the right to join a union
WE WON'T cut award wages	WE WON'T take away the right to strike

Some people would love that to go at times!

WE WON'T abolish awards	WE WON'T outlaw union agreements

In black and white there are listed the things the federal government will not do, so what the house is hearing from the other side, as I said before, is very much about scaremongering and very much about the idea that the sky is falling in. In reality the federal government has said that there are some key things it will not do.

The minister, in his contribution before lunch, talked about The Nationals, and that is another thing I would like to touch on. It is great to see the minister acknowledging the roles of the National Farmers Federation and The Nationals as key organisations making sure that we have a good system in Australia and that we go forward and create jobs and wealth for this country. In a speech that the federal Leader of The Nationals, Mark Vaile, made to the Queensland Nationals conference only a couple of weeks ago he said:

> Now there is a lot of scaremongering going on about the government's reforms. That is all it is — scaremongering. The government's planned changes will free up the system to make it easier for employers and employees alike, while maintaining the principle of a fair go for all Australians.

That is something The Nationals right across Australia have always been known for and always will be known for — that is, making sure that we have a fair go for everyone, because in our electorates we represent both employers and employees right across the whole sector. We cannot just represent one side of the debate; we have to represent both sides of it. We have to make sure we have an environment where both employers and

employees can prosper, because if we do not do that, we do not go forward. One of the things that Mark Vaile said was:

> We will protect as minimum conditions of employment: four weeks annual leave; personal and carers leave; parental leave including maternity; maximum ordinary working hours of 38 hours per week; public holidays; meal breaks; and smokos.

We had a lot of scaremongering a while ago about the fact that people no longer have smokos and no longer have meal breaks. They are going to be protected in the future. I do not know why the other side of the house seems to think those rights are going to be traded away. The Prime Minister has gone on record to rule out stripping workers of lunch breaks and public holidays under the new regime.

Mr Haermeyer — He also said there would be no GST.

Mr WALSH — I take up the interjection, Speaker. The other side of the house is concerned about the GST.

Honourable members interjecting.

Mr WALSH — If you are so concerned about the GST — —

The SPEAKER — Order! Through the Chair!

Mr WALSH — Speaker, if the Minister for Manufacturing and Export, who is at the table, is so concerned about the GST, just send the cheque back every month to the federal Treasurer, Peter Costello. If you do not like the money that is generated — —

The SPEAKER — Order! Through the Chair!

Mr WALSH — Through the Chair, Speaker, if the government does not like the money it is receiving every month, the cheque that comes in the mail to the Victorian Treasurer that enables this government to do the things it wants to do in Victoria, that is making sure the state stays in surplus rather than declining into deficit — as Labor governments are historically known to do — let the Victorian government send the cheque back to the federal Treasurer. Send it back with regards, saying, 'We do not like the GST; we are sending the money back'. They do not appear to want it.

As I was about to say, the Prime Minister said:

> … 'we are not going to cut wages; we are not trying to destroy people's conditions; we are not trying to chisel them out of Anzac Day and Christmas Day and public holidays. That is absolute nonsense, and when they see the legislation they will know what nonsense it is'.

Mr Haermeyer interjected.

Mr WALSH — Speaker, in this debate government members have been scaremongering. They have been blatantly telling lies about what they believe may or may not happen, when we have had the Prime Minister and the Deputy Prime Minister on the public record saying they are not going to cut all those basic entitlements that people — —

Ms Beattie — Sign the paper. Why don't they sign it?

Mr WALSH — What paper is there to sign?

The SPEAKER — Order! The member for Yuroke!

Mr WALSH — There is no paper to sign. The federal government has quite legitimately in this case got the debate out in the public arena to make sure people know something is going to happen. They have not snuck up and thrown this out like some of the things that we see from the other side of the house here in Victoria. They have got it out in the public arena. There is a debate going on. Quite a bit of that debate is misinformed and misguided, but there is a debate going on, and The Nationals here in Victoria firmly believe that when we see the legislation, it will be good for Australia, it will be good for Victoria, it will be good for workers and it will be good for employers — and we will see the economy continue to grow, jobs be created and the standard of living in Victoria maintained or bettered into the future.

Mr HAERMEYER (Minister for Manufacturing and Export) — I want to talk mainly about the purported reason or rationale for this legislation, but before I do I want to pick up on a comment made by the member for Kew in his contribution when he said that this is all about choice. He said it is about what individual employers and individual workers want.

I have to say I do not think it is about that, because if that were the case, the federal government would not at the moment be introducing its trade practices legislation which makes a notification for collective bargaining by small business invalid if it is lodged on behalf of a small business by a trade union, an officer of a trade union or a person acting on the direction of the trade union.

So much for freedom of association! A businessperson, a small businessperson or an individual contractor or a farmer cannot go to a trade unionist or somebody representing a trade union and ask them to collectively bargain on their behalf. This is not about freedom of association, because if that were what it is about, this piece of legislation from the federal government would not include that sort of clause. It is complete rubbish!

The member for Swan Hill said the federal government has no intention of removing all these conditions that have been enjoyed by workers in Australia for a long time. If that is so, then the federal government will sign an undertaking that no-one will be 1 cent worse off — a simple thing to sign.

If that is the case, it should sign the undertaking.

I want to take up the question of what the rationale is. We have heard from the members for Kew and Swan Hill. Kevin Andrews, the federal Minister for Employment and Workplace Relations, said in the *Herald Sun* last Friday that it is about making our jobs future proof:

> How we respond to two major challenges will determine what jobs we have and the wages and conditions of Australians in the future.
>
> First, two countries, each 60 times the size of Australia are rapidly developing.

I assume he is talking about India and China.

> Whether the investment to establish and expand businesses and create jobs occurs in Australia or China, for example, depends on our response.
>
> …
>
> Yet there remain many rigid labour practices that inhibit productivity growth.
>
> Ultimately, this threatens the jobs of Australians.

What the state opposition and the federal government are saying is that this is all about making us competitive with China. We do have, particularly in respect of our major manufacturing industry, a major challenge from the industrialisation of China, the emergence of other Asian nations as industrial powers and even eastern Europe. The federal government seems to be saying that to become competitive with China we have to match its 35 to 80-cent wage rates and that we have to adopt its occupational health and safety standards. That is what they seem to be saying. These countries are trying to lift their standard of living and I do not think anyone begrudges them that. That is good for them and ultimately it is good for us in the sense that they provide bigger markets. In the meantime they pose a very significant challenge to our industries, particularly our manufacturing sector.

Mr Andrews and the Prime Minister say this is all about lifting our productivity. We already have some of the highest productivity in the world. It was recently reported that our workers work amongst the longest, if not the longest, hours in the world. It is not about that. The federal government's own feasibility study into a free trade agreement with China sees us losing 8000 jobs in the auto sector and 9300 jobs in the textiles, clothing and footwear (TCF) sector by 2015 even without a FTA. I go round and ask manufacturers how many think that changing the industrial relations system is suddenly going to make them competitive with a country that has wage rates of 35 to 80 cents an hour, a currency that is undervalued by 30 to 40 per cent and that does not enjoy the same environmental and occupational health and safety standards as we do. I am sure eventually they will lift their standards, but at the moment they do not exist in those countries. I do not see a lot of hands go up when I ask manufacturers that. None of them believes that changing the industrial relations system is going to make that difference.

What we need to do to compete in a globalised economy is not to drive down our standard of living and not slash our environmental or occupational health and safety standards. We need to develop a proper industry policy. It is about focusing on how we differentiate our products — high value-added goods, high quality, high innovation, unique and innovative design and identifying opportunities. We need an industry policy, but unfortunately we do not have one. Where is the federal government's Button plan for our strategic industries — automotive, TCF, food and wine, pharmaceuticals, biotechnology and nanotechnology? It does not have one. It has a piece of ideologically driven industrial relations legislation which it tries to pass off as industry policy.

The federal government is seeking to bring on a major industrial relations confrontation. In a speech the federal Minister for Employment and Workplace Relations made on 8 March to the federal Chamber of Automotive Industries he virtually threatened the car industry that if it did not pick a fight with the union, industry assistance under the automotive competitiveness and investment scheme (ACIS) was on the line. He said:

> The government recognises that the fear of a stoppage is real and immediate.

However, he said:

> The automotive industry receives by far the most government assistance of all industries — both in absolute terms and relative to its gross value added — because of the value of tariff concessions provided under the Automotive Competitiveness and Investment Scheme.
>
> This continuing support is facilitated by the income of taxpayers, who are entitled to see that support devoted to improving the long-term competitiveness and viability of the industry.

> In addition, it is in the automotive industry's best interests to be increasingly autonomous given the sector's agreement to the reduction of government assistance after 2010.

Here is the rub. He said:

> In this context the industry is beholden to the government and indeed to the Australian people to use the next five years to embrace significant workplace reform.

This is a very thinly veiled threat. If it does not pick a fight with the unions, its support under the ACIS scheme is on the line. So much for the consent that the member for Kew talked about.

When it is dealing with just-in-time production, our manufacturing sector — particularly our automotive sector — needs that sort of stuff like a hole in the head. Nagoya and Detroit are making decisions about where our overseas markets will be, where our sector can export to and whether they are going to put another $500 million or $1 billion into Australia, and the federal minister wants to go through an industrial relations meltdown.

We do not need fanatical zealotry hell-bent on an industrial jihad. We need a sensible industry policy and we have to have a rational and inclusive debate on industrial relations. There are some issues that need to be talked about. Most unions and employers are reasonable people, but at the same time as we acknowledge that unions and employers will have differences, we also know that collectively, particularly in manufacturing, they are confronting the same very big challenges.

We have to play as team Australians. This government looks forward to some national leadership that builds on those things that unite us, not an approach based on inciting division, and that is what the federal government is trying to do with this legislation.

It is driven by industrial zealotry, it will not help industry and it will just bring on a whole lot of industrial confrontation. A commonsense discussion about industrial relations and even about the more important aspects of industry policy — support for research and development and venture capital to enable us to commercialise our innovation and those sorts of things — and not some fanatical industrial relations jihad, will make us competitive with countries like China and emerging economies in eastern Europe.

Mr CLARK (Box Hill) — The outstanding point about this debate is that it is motivated by the political interests of the Australian Labor Party and the trade union movement. To put it bluntly, it is an attempt to revive the flagging fortunes of the federal ALP, and it is a calling-in by the trade union movement of favours owed to it by the Bracks government.

Why is it that we are spending a large part of a sitting day in the Victorian Parliament debating what is essentially an attack on the commonwealth government's policies? It is because, I venture to suggest, the Bracks government, since being elected to office, has seen donations to the ALP of some $8.3 million. And the Labor Party is being called upon to render its dues to the trade union movement for those donations including, at a state level, delivering the trade unions requirements on common-rule orders, child employment laws, Easter Sunday trading restrictions, the closed shop at the Melbourne Cricket Ground, the forestry industry council, the bungled handling of Saizeriya, the Transport Industry Council, and the government's blind eye to the electrical strikes that have plagued Victoria in recent times.

As with all similar campaigns of hysteria, I will venture to put this prediction on the record: within 12 months of the commonwealth's reforms being enacted, all the controversy we are having whipped up at the moment will have died away, and it will be seen that this legislation is working out smoothly, that life is going on and the prosperity of Australian workers is continuing to rise.

There are three possible reasons why one might have statutory regulation of conditions of employment. The first is to protect workers and other parties against being exploited. There is nothing in the framework that has been proposed by the commonwealth that will cease to provide that protection. Awards and agreements will continue to be enforceable, and a safety net against exploitation will continue to be provided.

The second reason for statutory regulation is to serve as an independent determiner of wages and conditions that both parties agree are fair. If both parties to an employment agreement want to structure that agreement on the basis that there is some third-party determination of what is fair, so they do not have to negotiate every detail themselves, then there will remain an abundance of mechanisms by which that can be done through reference to awards or through enterprise bargaining agreements and a whole host of standard form template provisions that various industry associations will be willing to provide.

The third and most contentious reason for having statutory regulation of employment conditions is to attempt to achieve higher levels of employment conditions for employees than would be achieved in a non-regulated environment. Those who study the

economics of this area point to the fact that those attempts need to be very carefully balanced against the damage that excessively specified terms and conditions of employment can do to the actual creation of jobs and prosperity.

That is not a radical proposition. Many people have proposed a range of reforms that would bring greater flexibility to the Australian industrial relations system, and I cite by way of example some of the reform proposals that have been put forward by Peter Dawkins, who, until recently, was the director of the Melbourne Institute of Applied Economic and Social Research. He has written many papers on this subject. I cite one entitled 'Do we need a low pay commission in Australia?'. It was published on the Internet, and I believe it was written around the year 2000. After canvassing problems with minimum wages, Peter Dawkins said:

> If minimum wages are so ineffective as a device for improving the income of low-wage earners in low-income families, and they may threaten job opportunities for low skilled workers, do we need a minimum wage at all?

He goes on to canvass some of the pros and cons of minimum wages and to address the question of whether a low pay commission, along UK lines, might be part of the problems of traditionally structured minimum wages. I will quote two of his statements in that regard. He says:

> … the adversarial nature of the proceedings of the Industrial Relations Commission is not really suited to the kind of extensive deliberations and analytical approach of the low pay commission, who set about answering specific questions put to it by the government, involving employer representatives, employee representatives, and academics in the process. The use of experts and the consensus approach appears to be more suited to the task.

Later he says:

> Thus it has become increasingly clear that the setting of award wages and the setting of taxes and transfers should be looked at together. However our current institutional structure does not encourage this. Perhaps the establishment of a low pay commission or perhaps a low incomes commission might make this more possible.

I do not necessarily agree with everything that Peter Dawkins says, but I do have a high regard for his sincerity and his intellect. I make the point in this context that this high regard for Peter Dawkins' work is not simply regard that is held by me, it is regard that is also held by the Bracks government, because on 6 April this year the Victorian Treasurer announced that Professor Peter Dawkins had recently been appointed as the deputy secretary, economic and financial branch, in the Department of Treasury and Finance.

If the sorts of ideas that Peter Dawkins and others have been talking about in terms of the need to reform the Australian industrial relations system were so radical, why is it that the Bracks government has appointed Peter Dawkins as deputy secretary, economic and financial policy, in the Department of Treasury and Finance?

I welcome that appointment. It is a bright spot in what is otherwise a landscape of eroding standards within many parts of the Department of Treasury and Finance. I quote Peter Dawkins' work to reinforce the fact that the sorts of matters he is talking about are by no means radical. We will by no means see the sky falling in or the Chicken Little scenarios that those opposite have been raising.

What those opposite are not realising is the changing nature of employment and the economy in Australia. We saw that from the Minister for Manufacturing and Export who tried to suggest that the federal reforms were an attempt to drive down Victorian wage levels to those in China. He has it exactly the wrong way around. If Australia and Victoria are to remain competitive with China, we have to do that by being a high value-adding nation. If we try to simply do what the Chinese do in an open market, we will be unable to afford it except at their wage levels.

To maintain our high standards of living we need to continue to be a high value-adding nation, and to do that we need to be able to work flexibly and intelligently and to harness some of our greatest national strengths, which include the education and the human and social capital that we, through our background and heritage, possess.

Increasingly, tightly regulated and prescriptive legislative structures are becoming irrelevant and counterproductive to that. As the member for Kew remarked, there are now more people in Australia who are self-employed than there are members of a trade union, and they are doing that because they are choosing to vote with their feet.

Part of the tragedy of state and federal Labor's opposition to these reforms is that in large part they are betraying part of their own heritage. We on this side of the house acknowledge some of the reforms made by the Hawke and Keating governments in terms of exchange rate deregulation, banking sector deregulation, tariff reduction, national competition policy, and indeed some early steps towards industrial relations reform.

The currently proposed measures are evolutionary rather than revolutionary. They are a continuation of the trend to wind back the unnecessarily proscriptive regulation that is no longer needed in an economy where, as the member for Kew has remarked, we have rapidly rising standards of living, and, as the Australian Bureau of Statistics has pointed out in recent times, since 1994–95 we have had a greater increase in the real incomes of persons who are low and middle-income earners than of those who are high-income earners.

We need to continue to renew the national reform agenda if we are to continue down the path of rising prosperity that we have enjoyed due to the reforms of the last 20 years or so. The tragedy of the Labor Party's opposition is that it threatens to stymie that continued path forward to growing prosperity for all Australians.

Ms DELAHUNTY (Minister for the Arts) — I am pleased to join this debate. I answer a question that was posed by the member for Box Hill. In a puzzled tone he asked, 'Why are we debating this issue in the Victorian Parliament?'. We know why we are debating this in the Victorian Parliament — because if these changes the Prime Minister is proposing go through, they will affect the fundamental welfare of Victorian families, which I would have thought would be important to every single member of this house. The facts are unassailable.

Secondly, we are debating this because I think it gives the opposition — particularly the Liberal Party and The Nationals in this house — a chance to state their views on whether they think it is fair to remove long service leave, jury leave, notice on termination, and superannuation from awards.

Thirdly, we are debating this motion because it gives the opposition a chance to ask the federal government and to request of the Prime Minister a simple guarantee: 'If these changes will do no harm, as you argue, to Victorian workers, give us a simple guarantee — that is, that no Victorian worker will be worse off as a result of any changes to the industrial relations system'. As far as I have heard there has been no guarantee of that order, which suggests that Victorian workers and Victorian families have a lot to fear from these changes. The evidence, I think, is quite clear.

Earlier this year the Victorian government undertook a first of its kind — an on-line consultation about work and family balance. We wanted to hear from Victorian working women about real-life experiences in 2005. Sixty one per cent of the respondents said that balancing work and family responsibilities had become harder in the last five years. I would contend that if these changes as mooted by the Prime Minister on 27 May 2005 go ahead, it will be so much harder, as to be almost impossible, for many of our low-paid and casual workers — overwhelmingly women — to be able to balance their work and family responsibilities.

I find it astonishing that all governments, quite rightly, are encouraged to look at ways of overcoming the skills shortage and spending time and effort on understanding workers participation rates and what the impediments are to those rates, yet blithely the federal government is proposing to make the possibility of balancing work and family much, much harder.

In trying to destroy awards we will certainly find that women will be adversely affected. Sixty per cent of workers on awards are women, and the lowest paid and most casual sectors of our work force are women. We know that if they are forced onto individual contracts it will be damaging for their families. That is why we believe we should be debating this issue.

The house may recall that in May this year the Premier released *A Fairer Victoria*. We argued that in a prosperous state like Victoria — and, I would argue, a prosperous nation like Australia — no-one should be left behind. We should be ashamed if we have disadvantaged Victorians or disadvantaged Australians who are not participating in the prosperity of our nation. I contend that the proposed changes will drive a wedge between those who have the opportunity to bargain for a decent wage and decent conditions, and the overwhelming number of workers, particularly women, who will have absolutely no opportunities to bargain for decent pay and conditions. As I said, 60 per cent of award-dependent workers are women, and 31 per cent of women employed in the private sector rely upon awards to set their wages and conditions. If these changes come through, they will have no ability to negotiate — so we oppose them.

I am not alone in being alarmed by these proposals. The Catholic Church has raised serious concerns about the morality of the proposed industrial relations changes. Cardinal George Pell, known to be a good friend of the Prime Minister and not afraid of expressing his point of view, and Sydney's Anglican Archbishop, Peter Jensen, have both questioned the morality of the government's planned IR changes. So it is not just the Labor Party, as has been presented by the conspiracy theories of those opposite, because the Catholic Church and the Anglican Church have quite rightly raised their voices and asked questions about the morality of these proposed changes.

Yesterday, as the house will recall, the landmark decision by the Industrial Relations Commission (IRC)

provided some understanding and support for workers' rights at home as well as their rights in the workplace. This has been hailed as a win for women, and it truly is, in requesting an increase in unpaid leave, particularly until their children are old enough to attend school. This has been hailed as a landmark decision, and indeed it is. It is a sensible decision. It balances the rights of employers and the responsibilities of employees, and it is an acknowledgment of contemporary life.

The tragedy is, of course, that the Prime Minister appears not to want to include this landmark decision in family-friendly work arrangements. He does not appear to want to include that in his proposed changes. In fact, his self-appointed federal Sex Discrimination Commissioner, Pru Goward — a wonderful woman — hailed the IRC's decision on parental leave and called for the federal government to enshrine it in law. Silence was the response. We do not know what the Prime Minister will do on these particular provisions, but we do know what he will do on long service leave, jury leave, notice of termination, superannuation et cetera. He has refused to guarantee the changes will be contained in the government's planned industrial relations legislation, despite Ms Goward saying:

> … parents will find it difficult to find balance in their lives unless the new workplace rights are drafted into law.
>
> …
>
> You would hope they would draft it into law …

I think you can hope, but that is about the best you will get.

We understand that 47 per cent of the work force have caring responsibilities. We also know that today 35 per cent of mothers have returned to work by the time their child is 12 months old, and that about half the mothers are back at work by the time their child is two years old. We know that parents of young children today face extreme pressures, particularly mothers who work full time and whose children are under five years old. This has a huge impact on those workers — but let us think more laterally: this is having a huge impact on our children. Where are the family values of the Liberal Party — much touted, much vaunted?

Mr Nardella — They haven't got any.

Ms DELAHUNTY — I do not believe they have family values. They played with the rhetoric of family values and work-family balance before the last federal election; they taunted women and taunted parents with all sorts of pretences that we had a federal government that was going to the election last year seeking to understand and offer some support for working families. On the contrary, these changes will be destructive of family life, and there is no need for it. We are a prosperous nation and we are a fair nation, and we should be able to have industrial pay and conditions that are reflective of that prosperity.

Mr THOMPSON (Sandringham) — When I was first elected to this chamber in 1992 unemployment in Victoria was running at the rate of 11 per cent. In doorknocking many households in my electorate one of the great tragedies I found was the level of unemployment amongst many migrant families. Parents were contemplating sending their children back to Italy, Greece or Spain in order to find work and opportunities there, because even after they had studied hard in Australia they were not able to enter the work force in this state.

Following the reforms in Canberra since the election of the Howard government in 1996 we have seen a strong growth in jobs in Australia. There have been 1.6 million new jobs created since March 1996, and over 7 million Australians are now employed. Unemployment is at a 30-year low. These statistics speak more strongly than the rhetoric coming from the government benches. Since 1996 real wages have grown by 14 per cent. Under the 13 years of the Hawke-Keating government and Australian Council of Trade Unions accords, real wages grew by a miserable 1.2 per cent. Let the record speak for itself. We now have lower inflation, lower interest rates, lower taxes, increased family benefits, higher productivity and, above all, higher living standards. Many migrants have come to this country principally for two reasons: one to flee tyranny and the other to gain the economic opportunity to carve their own future in this great country.

A decade or so ago the Business Council of Australia outlined the key strategic reforms that it said needed to be undertaken in this nation. They included infrastructure reform, local government reform, waterfront reform and tax reform, to name a few. Each of those reform processes undertaken by a Liberal government was opposed by the Labor Party. In relation to infrastructure reform Labor opposed the CityLink project — until it was elected to office. In relation to local government reform, which the Labor Party failed to achieve in the middle 1980s, a Liberal government delivered improved efficiencies and improved economies of scale that saw the number of local councils in this state reduced from 211 to 79 and subsequently 80. Then there is waterfront reform. Victoria's ability to compete with international ports was well below the average. As we are the major sea hub in the south-east of Australia, the reform of our ports was therefore important. Now the average time to

load and unload a container has improved significantly compared to the situation prior to the reform process being undertaken. Those reforms were vigorously opposed by the Labor Party.

Then we come to the consistent or otherwise philosophical position taken by the Labor Party in relation to tax reform. The Liberal Party took the introduction of the GST to two federal elections, and it was opposed on each occasion by the Labor Party, which in more recent times has changed its position. In relation to the key areas of infrastructure, local government, the waterfront and taxation, the Labor Party has been and is an opposer of reforms which have been now accepted across the landscape of Australia. Now we have this debate in relation to workplace reforms which have as their objective not making it more difficult for Australian workers but giving people real jobs, real hope and real chances in life.

In a Business Council of Australia document that landed on my desk today, Hugh Morgan noted:

> Few people seem to recognise competitiveness is the reason why we are here in the first place and crucial to continuing prosperity.
>
> No economy can ever achieve a state where ongoing competitiveness can be taken for granted. Increasingly BCA members are concerned that, beneath the surface of growth and prosperity, several blockages and imbalances have emerged. If left unchecked, they are likely to become major roadblocks to future prosperity and growth.

I might interpose there — 'and employment opportunities for all Australians'.

> Productivity levels remain lower than a significant number of our economic peers. In fact, in recent years Australia's productivity has begun to slow dramatically.
>
> The government's recently announced changes to workplace relations continue the process of deregulation and simplification of agreement-making between employers and employees which started 20 years ago. The changes will mean fewer barriers for employers to create jobs.

I return to where I started. When I was first elected to this place I saw the hardships that confronted family after family through the breadwinner not having a job. In the words of one migrant, when the chief breadwinner is employed, the whole household is happy. The Liberal Party has delivered substantive reforms to the Australian nation which have provided real jobs and real life opportunities for all Victorians.

Mr MERLINO (Monbulk) — I am very pleased to rise in support of the motion moved by the Minister for Industrial Relations regarding the federal government's radical and unprecedented changes to Australia's industrial relations system. These changes will strip away the rights of ordinary working men and women and attack the security of working families. The motion outlines our opposition to these extreme plans and calls on the commonwealth government to guarantee that Victorian workers will not be worse off under this new system. It is a motion that every member in this house should support.

The Bracks government takes a balanced approach to industrial relations, in terms of both its track record in government and in this debate. You cannot say the Bracks government has not been prepared to cooperate with the federal government on industrial relations matters. As the Minister for Industrial Relations has outlined again today, we are in favour of a unitary industrial relations (IR) system as long as it is fair and as long as it is cooperative. We did not go down the path of reinstating a state IR system when we came to power. Instead what we did was identify those hundreds of thousands of schedule one Victorian employees left behind by the Kennett government who, following negotiations and cooperation with the federal government, transferred over to the federal system.

You cannot say that the state government is not prepared to do the hard yards in IR. We have had major enterprise bargaining agreement (EBA) negotiations over the last couple of years and have achieved outcomes and conditions which have been fair but which have been in line with the government's wages policy, so we have not had an unsustainable growth in wages.

However, the federal changes will tip the balance against working men and women so far that they cannot be reasonably supported. Those changes include ripping the heart out of the Australian Industrial Relations Commission and giving the Australian Fair Pay Commission the power to set adult minimum wages on a periodic basis. The reason is simple: the federal government has not been happy for over a decade with the decisions of the independent umpire. It has opposed every minimum wage increase since it came to office in 1996. The federal government has now given the task of setting minimum wages to a government-appointed body that will do its bidding.

One has to follow the logic: why is this change being made, and what will the outcome be? Firstly, over time wages will fall. Secondly, it will destroy the award system. Awards will no longer form the basis of the no-disadvantage test in agreement making for both individual Australian workplace agreements (AWAs) and collective agreements, whether they are union

agreements or non-union agreements. The opposition does not want to tackle the no-disadvantage test.

The new test will set five minimum conditions: a minimum wage rate, with awards being preserved at 2005 levels — again harking back to the type of system the former Kennett government attempted to introduce; annual leave; personal leave; parental leave; and a maximum number of ordinary hours. That is almost identical to the failed Kennett contracts that were set in place in 1992!

The community standards and rights of employees that will be removed and not protected include overtime, afternoon and night shift pay rates, weekend and public holiday rates, annual leave loading, long service leave, allowances, superannuation protection, accident make-up pay, leave entitlements like study leave, redundancy and termination notices, and protection from unfair dismissal.

Labor does not step away from enterprise bargaining and from the flexibility improvements that can be delivered for employers and employees. Labor introduced enterprise bargaining on the basis of fairness and protecting rights. Negotiations under the system that Labor introduced are done on the basis that employees are not worse off. For example, an award may have base wage rates and a certain level of penalty rates, and after negotiations the base wage may be increased but there may be greater flexibility in terms of operating hours and/or penalty rates. On balance, employees are not worse off.

There is no fairness and no compensation in the new system, only a loss of rights. There will be no umpire to test an agreement against the underpinning award. There will be no umpire telling the parties to go away and renegotiate if an agreement does not satisfy this test. That is the simple outcome of what the federal government is trying to impose on the Australian community. All collective agreements and AWAs will be approved on lodgment with the Office of the Employment Advocate. There will be no test other than the basic five minimum conditions; it will be certified on lodgment.

It is a lie to suggest that this radical system provides the ability for people to individually negotiate the best outcome for themselves and for their employer. You cannot tell me that a young mum working in a supermarket, a university student working in a restaurant, a factory worker or a tradesperson has an equal bargaining position with their employer. The young mum could be forced to work late nights and on weekends, even if she has obvious family commitments. Not only could she be forced to work, she could be working at significantly reduced rates. We have heard that hospitality wages could be reduced by up to 20 per cent, and similarly with retail workers. Nurses could face a drop of 33 per cent, and cleaners a drop of 27 per cent. The young mum's rights and the rights of all employees will be taken away if the community allows them to be.

In recent weeks and months the federal government has been challenged to clearly state that public holidays and meal breaks will be maintained and protected, but the best the federal minister could say was that they would be a feature of the new system. That could mean anything. It could mean that they are a small feature — that is, that they are there but that they can be negotiated away, because that is ultimately the aim of the federal government.

While I am on the subject of the federal minister, I heard the comments by the member for Kew about what a decent family man Kevin Andrews is. Give me a break! Kevin Andrews wraps himself in his faith because he thinks it is politically advantageous to do so. Yet at the same time as he parades his faith for personal political gain, he proposes extreme changes that betray the social justice teachings of the Catholic Church. The encyclical *Rerum Novarum*, the social justice blueprint for the Catholic Church, emphasises the dignity of human work and the importance of not treating individuals as mere economic commodities.

Mr Perton interjected.

Mr MERLINO — Why does the member for Doncaster not listen to what Cardinal Pell is saying and to what the churches are saying?

Mr Perton interjected.

The ACTING SPEAKER (Mr Kotsiras) — Order! The member for Doncaster will have his turn next.

Mr MERLINO — Questions of faith and social justice are not suspended the moment a person enters the workplace. The federal minister would do well to remember this.

As the Treasurer said yesterday, the greatest challenges facing this nation are work force participation rates and the impacts of an ageing work force. The solution he outlined is about improving year 12 retention rates, increasing child-care places and improving the health of the community. Introducing workplace changes that reduce people's rights and conditions flies in the face of what we need to do, which is to implement the changes

that the Treasurer outlined, including a focus on research and development, education, innovation and family-friendly workplaces.

Yesterday the government also made it quite clear that it will not abandon Victorians who are employees of the state government. It will keep award conditions for nurses, teachers, police officers and park rangers. Make no mistake, if the federal government goes ahead with its proposed legislation, the workers that the Bracks government has committed itself to protect will be vulnerable if there is a change of government at the state level.

If the opposition does not support this motion, it is clearly and unambiguously saying to every nurse, every teacher and every police officer, 'We are going to come and get you and we are going to follow the lead of the federal government: we are going to take your rights away.'. The challenge for the members for Scoresby and Doncaster is to get up and say they support the motion moved by the Minister for Industrial Relations. Labor supports the rights of working families. I urge the opposition to do likewise.

Mr PERTON (Doncaster) — I have seldom heard such a disgraceful contribution from the member for Monbulk. To attack a fellow citizen's religious beliefs in the course of a political debate demeans the member and demeans this Parliament. I think he should hang his head in shame. Thankfully the people of Monbulk will deal with the member at the next election and we will not have to put up with his cant and hypocrisy in this house.

This is about freedom. It is about the continuing movement of this society to a position where adult Australians are treated as free citizens, where their rights are not diminished by the union thugs who are the political masters of the member for Monbulk — —

Ms Delahunty interjected.

Mr PERTON — And indeed the member for Northcote and Minister for the Arts at the table, who sits in front of us, wrapped in her red colours, making speeches written by Brian Boyd and personally approved by Brian Boyd.

This motion is a bad motion. The advance that is proposed for Australia in terms of the right of workers to sit down and negotiate with their employers, to actually have conditions that suit them and suit their workplace, is a step forward. The Labor Party is showing its true colours. Its finances are reliant on union power. Its members' positions in Parliament — —

Ms Delahunty interjected.

Mr PERTON — The member for Northcote has been very worried about her seat in Parliament and the only way she will hang on to that seat is to make sure she does the bidding of the unions. Read the cue card and say to the people what they want her to say to the people — that is the performance of the member for Northcote.

What is wrong with the current system? It is archaic. It places too much power in the hands of unions and it demeans the intelligence of the citizen and the right of the worker to negotiate and get a proper payment for his or her work from his or her employer. The attack by the Labor Party has suggested that there will be a diminution in the wages for workers. What excuse does the member for Monbulk offer for the fall in real wages that occurred under the Keating government? What response can the member for Northcote make in respect of the clear facts I will put to the Parliament? Under the Howard Liberal federal government the average household income in Australia grew by 20.7 per cent in real terms from 1995 to 2003–04.

Mr Wells — How much?

Mr PERTON — By 20.7 per cent! In other words, every household is one-fifth better off — a complete contrast to what happened under the Hawke and Keating governments.

Ms Delahunty — So why do you want to change it?

Mr PERTON — As to the allegations — —

Mr Merlino interjected.

The ACTING SPEAKER (Mr Kotsiras) — Order! The member for Monbulk has had his chance. It might be appropriate for him to leave the chamber if he wishes to continue.

Mr PERTON — The real incomes of low and middle-income households increased by a proportionately greater amount — that is, 22 per cent — than the real incomes of the richest households. The Howard government has been a force for the working man and woman and their families. The increase in real income to workers is a great tribute to the diminution of the power of the unions under this federal government. Things can only improve under the reforms that have been put forward.

The member for Monbulk rightly says the reforms will include a minimum standard to protect minimum wages and conditions. There will be a prescribed minimum

standard that you cannot go below: annual leave — four weeks minimum; personal leave; sick, bereavement or carers leave; parental leave — maternity or paternity; and indeed the maximum hours which will be enshrined in law, not just in agreement.

I oppose this motion and support the federal government's reforms because I believe in the individual right of the citizen and I respect the ability of the worker to negotiate with his or her employer and find the conditions that suits them. That is not just my view. A recent survey shows that workers who have Australian workplace agreements are more satisfied in the workplace than those employed under awards.

Ms Delahunty — Women are not.

Mr PERTON — Women are not? The member for Northcote thinks she can speak on behalf of women. What arrogance! The idea that the member, her party and her union mates are the font of wisdom. Workers on Australian workplace agreements are more satisfied that they are rewarded for their efforts than collective employees — 44 per cent versus 29 per cent. Workers under Australian workplace agreements are more satisfied with the change in their pay and conditions — 38 per cent versus 29 per cent on collective agreements.

Ms Delahunty interjected.

Mr PERTON — The minister asks for my source — it is 'Research into the Australian workplace agreements', published in the Department of Employment and Workplace Relations document *Agreement making in Australia under the Workplace Relations Act 2002 and 2003*.

Having regard to the time I will not go through all of the statistics. However, taking up the case that was put by the members for Northcote and Monbulk and talking about family-friendly hours and balancing work and family life, what is interesting in these findings is that 45 per cent of collective employees reported that balancing work and family life had become harder in the past two years compared with only 39 per cent of those under Australian workplace agreements. In other words, those who are able to negotiate their own terms and conditions in accordance with their own needs and the needs of their employer are likely to be more satisfied and are more likely to be satisfied with the arrangements with the workplace, to have a better work-life balance and to have better wages. As we have said, under the Howard government real wages for households have increased by more than 20 per cent. Since the election of the Howard government, 1.6 million new jobs have been created. There are now 7 million Australians employed. Unemployment is at a 30-year low. There is lower inflation, lower interest rates, lower taxes, increased family benefits, higher productivity and, above all, higher living standards.

Ms Delahunty — So why change it?

Mr PERTON — Because this is the dividend of freedom. The more freedom we give to workers and the more we take away power from the union bosses, the more likely it is that the workers and families in this society will thrive.

The hypocrisy of the position of the Labor Party! Only yesterday the Minister for Tourism was talking about skill shortages and labour shortages in the tourism industry. The Minister for Industrial Relations has been speaking on the same topic. We are in an ageing society where it is ever more likely that workers will be able to bargain for ever-higher real wages, for ever-better conditions. It is a society where women are ever more likely to be able to make decisions on what parental leave they want and on what study leave they want rather than having to wade through hundreds of pages of industrial agreements and rely on a remote commission which hears submissions from counsel.

The position that will become ever more commonplace in the workplace of the future, and ever more commonplace under these reforms, is workers in the workplace negotiating with their managers and/or employers and meeting together to determine the needs of the corporation and its workers and to build not only a better enterprise but better conditions for their families — and more importantly, to build an ever-better and fairer Australia.

Ms BEATTIE (Yuroke) — I rise to support the motion moved by the Minister for Industrial Relations. It is a very simple motion — that is:

> That this house opposes changes to the industrial relations system announced by the Prime Minister on 27 May 2005, including —
>
> (a) removing long service leave, jury leave, notice on termination and superannuation from awards; and
>
> (b) removing awards as the benchmark against which agreements including Australian workplace agreements are measured and replacing the award benchmark with legislated minima, being annual leave (no leave loading), personal leave, parental leave and a maximum number of ordinary working hours and a minimum wage set by a fair pay commission —

> and calls on the commonwealth government to guarantee that no Victorian worker will be worse off as a result of any changes to the industrial relations system.

This side of the house supports the motion, and it is my understanding that members on the other side of the house will oppose it. They seem to think that we on this side of the house are under the influence of some great conspiracy theory that the Howard government will attack the wages system and the conditions of working men and women. We do believe that. There is one simple way to stop us believing that — that is, for the federal Minister for Employment and Workplace Relations, the Honourable Kevin Andrews, to sign the piece of paper the state Minister for Industrial Relations has put up saying:

> Under no circumstances will a Howard government create a wages system that will cause the take-home pay of Australians to be cut. Under a Howard government you cannot be worse off, but you can be better off. I give this rock-solid guarantee our policy will not cause a cut in the take-home pay of Australian workers.

John Howard said this in 1996. I call on John Howard, or Kevin Andrews, or indeed the shadow Minister for Industrial Relations, to sign this pledge, and then we could see where the real problem lies. But we know they will not sign it, because they do not really believe it.

I stand to support not only this side of the house but the 120 000 people who were in the street down the road who also do not believe John Howard. I also stand to support the church leaders. Cardinal George Pell does not believe him, and the Archbishop of the Anglican Church does not quite believe him either, so there is a credibility problem. We need some questions answered. One of the questions we want answered is: will the federal government guarantee that an employer cannot make it a condition of employment that an employee sign an Australian workplace agreement that offers less take-home pay than they would receive under the relevant safety net award? Answer that question; it is simple.

I want to talk a little bit about what it is like in the real workplace. I worked in the retail industry for quite some time. I noticed we have had a couple of barristers up on the other side telling us what the workplace is really like; I will tell them. They seem to think that an 18-year-old boy or girl can negotiate with their employer. I will tell them what it is like in a big retail chain. You will go to your line manager and say, 'Look, I would like a lunch break', and your line manager will say, 'I am sorry, I am not authorised to negotiate. Go and see the store manager'.

The store manager will then say, 'I am sorry, I am not authorised to negotiate with you. You will have to go head office to do that'. The person may or may not have the wherewithal to go to head office — if they know where it is — because some of the retail head offices might be interstate. If they can they will go in and say, 'Can I have a lunch break?'. And the answer will be, 'No, we just do not give lunch breaks in this organisation, I'm sorry. You have a job: if you don't like the terms and conditions of that job, go away and find another job somewhere else'.

Let us look at parental leave, which has recently been talked about, and let us also talk about equity and women workers. What a disgrace it is that on the other side of the house not one woman has come in here to talk on this very important bill. Not one woman from The Nationals — it only has one — and no woman from the Liberal Party has come in here to talk about some of the things that are absolutely fundamental to family life. Those of us who live in the real world know that many women have to take their own sick leave to tend to their children when they are sick.

Have we had a woman from the other side come in and say, 'This should not be so. Women should be able to take their children to the doctor. They should have the flexibility in their working arrangements to allow that to happen.'? Not one woman! It must be an embarrassment to the opposition that no woman on its side of politics is prepared to stand up and support working families and working women.

There is another question I would like answered: will the federal government guarantee that an Australian workplace agreement or a collective agreement will not override an employee's entitlement to paid leave if they are called to serve on a jury under the Victorian Juries Act? Will employers now put themselves above the law? Will they be allowed to do that under the federal government system? I see the member for Kew shaking his head. He should acknowledge two things: first of all, he did not know where Monbulk was; and secondly, he was completely wrong about nurses long service leave. It is in the award, but it will not be in an agreement. So I say to him that if he is coming in here to talk, he should get it right!

We get back to the fundamental question of whether this proposed legislation is an attack on the wages and conditions of working men and women? Will the federal government guarantee overtime penalty rates, weekend and holiday penalty rates, and afternoon and night-shift penalty arrangements, and will it guarantee annual leave loading, allowances and the reimbursement of expenses? Will it guarantee study

and professional development leave and redundancy pay? Will the federal government guarantee that nurses will not be 33 per cent worse off? Will it guarantee that restaurant workers wages will not drop by $7000 per year? I put it to the opposition that the Howard government will not guarantee those things.

Here in Victoria we have every right to be suspicious of the motives of the Howard government. We have seen this ideological drive before, back in the 1990s, which resulted in cuts in wages and conditions, so we do not trust the Howard government. We would like to believe it would do the right thing. I say to the federal government, 'If you want us to believe you, just sign this little piece of paper — end of story. We will not talk about it anymore'.

However, what we are talking about is an end to the wages and fair and equitable conditions which we enjoy here in Victoria and which make Victoria a fabulous place in which to work and to raise a family. I can hear the Deputy Leader of The Nationals agreeing with me that it is a great place to raise a family. If he agrees with me about that, then he should come across to this side of the chamber when the question is put and toe the line on decent wages and no cuts in conditions for Victorian workers.

Mr JASPER (Murray Valley) — I cannot believe some of the comments that have come from the government benches and from the member for Yuroke in particular. I accept that Victoria is a great state and that Melbourne is a great city — one of the great cities of the world. I think country Victoria is a great part of Australia to live in, and I think the state government has in many respects done some good work. I also think that the federal government should be given recognition for the work it has done, so I get angry when I come into this place and hear the state government claiming credit for everything and not saying, 'We have done this and that, but the federal government has also done some good things too'. Let us be a bit balanced about this, because balance is what this is all about.

The motion as far as I am concerned is based on misinformation. We have not seen the legislation; we have not heard what is going to be in it. The scaremongering that has been put forward, including the suggested changes in employment, really cannot be backed up with facts. As for the Minister for Industrial Relations and his diatribe, I was horrified to hear the sorts of comments he was making prior to the lunch break. He talked about ineffectual and bloated bureaucracy. That is what we have in Victoria now. Let us try to talk about efficiency. Let the government try to be more efficient — and I will return to that point in a few minutes. Employers have made Victoria the great state that it is, and if we do not have employers we do not have employees. I will come back to that too.

The Minister for Industrial Relations talked about long-established rights and conditions being up for grabs. I cannot see that at all. That is not right, and as far as I am concerned the information in the motion is wrong. I do not accept the sorts of comments that were made by the minister when you have a look at the situation. It is worth comparing, and I heard the member for Kew mention it, the increase of 1.2 per cent in real wages under the former federal Labor government and the increase of 14 per cent in real wages under the federal coalition government since 1996. That is a huge increase! Surely that is a recognition of what is going on in Australia and that we are really moving forward in this great country.

But the fact is that real wages have increased by 14 per cent since 1996. When Paul Keating was Prime Minister he strongly supported the fact that there should be changes to the workplace. He particularly supported enterprise bargaining, but here we have the government in Victoria saying we cannot accept that because the federal government might remove something that people have had in the past. Go to America and have a look at what is going on there. In America you work your 38 or 40 hours a week, any time that you like, and then go on overtime. It may be that some people would like to work on a weekend and have Monday off to go and play golf when there are not too many people on the golf course. There are people who might be able to do that, and I believe that we need to have flexibility. I will come back to the Minister for Tourism and the sorts of comments that he has made. You need to have grown up in private enterprise — —

Mr Pandazopoulos interjected.

Mr JASPER — Yes, I will come back to him. You need to have grown up in private enterprise to understand what goes on in business. I have grown up in business, and not too many people in this house have. Not too many understand business. They do not understand the investment people have in business and the battle they are having to survive.

Mr Maughan — You mean the other side of the house doesn't understand!

Mr JASPER — We are okay on this side — you are right there — but most of the members on the government benches have never been in business. In fact most of them on the government side I would not go into business with because they would send me

broke, and I have mentioned that here over the years. Have a look at the people, particularly in the government back benches, and ask them have they ever been in business. Most of them would say no, because they do not understand business, and that is part of the problem we have. The great majority of employers in the state of Victoria have a great respect for the people they employ. They are in business to make money. 'Money' is not a dirty word — making a profit when you have got an investment. But often when I have mentioned profit in this house, I have been howled down. If we do not have businesses that are profitable they will not employ people; there is no need for employees.

The government cannot employ everyone in the state of Victoria. It might like to, and it might like to think it can increase employment and have many more people involved in government services. The Attorney-General himself mentioned the 'bloated bureaucracy' we have in the state of Victoria now. We want to get more efficiency in the delivery of government services. But I go back to what I mentioned a moment ago. As far as most employers are concerned, they respect the people they employ within their businesses. They look after them. They make sure those people get the appropriate wages. They make sure they are protected, that they get appropriate holidays and are looked after when it comes to additional assistance. I say 'assistance' because in many cases employers allow employees to take additional leave or other benefits that are provided by the employer, who can see the benefit of that employee, and indeed the employee can return something to the business.

We need to protect those involved in employment and provide a balance to make sure people in the workplace are valued and get appropriate protection. The stuff that is coming from the government benches and particularly from the state governments right throughout Australia attacking the federal government and what it is doing is totally wrong. Let us get to the facts. The union movement came out with what it believed were going to be the changes, but no legislation has been presented to the federal house and the federal government had to come out and defend what was going on.

We even see the state governments getting into the act and putting money in. What they will do is blame the federal government later, saying it has spent $20 million advertising the new employment arrangements in Australia, but they will conveniently forget what they have been spending on defending what they think are the rights of the employees, which we do not know are going to be removed anyway. What is the situation? We do not really know.

Mr Walsh — They are not going to be removed.

Mr JASPER — That is right. I think that is the issue and, as the Deputy Leader indicates, we will find that most of the changes that are proposed will not affect employees, and we will not see the entitlements as far as workers are concerned removed, as is being touted by the state government and the unions and supported by some other people.

In the ad 'Want to work longer hours for less pay?', there is no suggestion that there will be less pay. There is no suggestion at all that there will be less pay for employees. The ad says:

> The changes will mean … Overtime rates, annual leave loading …

I must say that I am opposed to annual leave loading and always have been, because I think it is inappropriate for people to go on holidays and then get a 17.5 per cent loading as well. I think the state government had the right idea in the 1990s in removing that. There are many other areas of concern mentioned, such as redundancy pay, and penalty rates for weekends again. I am concerned about penalty rates for weekends, and while the tourism minister is here I think we should mention that too. Yesterday in this house he spoke strongly about the fact that there would be changes and difficulties for people involved in the tourism industry. I suggest to the Minister for Tourism, who is at the table, that there are problems for the tourist industry right now, because we are in a situation where penalty rates are imposed.

I said to a representative from the tourism industry within my electorate of Murray Valley recently, 'How are you going working at weekends because of the higher rates which have been imposed from 1 January this year?'. His response to me was, 'Mum and I work harder because we have difficulty employing people and paying them the wages for weekend loading. In fact that is our busiest time, but we cannot really afford to have these people on'. What we need to have is flexibility. It is a matter of getting balance between the employer and the employee and having the benefits, but what we need to get is some adjustment and balance, to be able to provide flexibility so that the employee can say, 'I am prepared to work 40 hours or 38 hours a week; I will work those hours at a time that is suitable to the employer, and perhaps I can take time off at a different time'. The employer would be pleased to be flexible in these times.

I need to refer to the federal government ad that I think it has been forced to come out with in the media. What it is saying is:

WHAT WE WON'T DO:	
WE WON'T cut 4 weeks annual leave	WE WON'T remove the right to join a union
WE WON'T cut award wages	WE WON'T take away the right to strike
WE WON'T abolish awards	WE WON'T outlaw union agreements

So it goes on, indicating that the changes that are included in this motion, which are supposedly going to be removed, will not be removed. In fact I think there will be greater flexibility in being able to provide people with employment and ensure they can remain in employment and assist the state and Australia to develop into the future.

We need flexibility and a change in how we handle industrial relations within Victoria, indeed Australia. Strong support is being provided by employer organisations. Some employees would be quietly confident they will get great support from the federal government. We will see greater development in Australia with these new arrangements.

Mr DONNELLAN (Narre Warren North) — I rise to support the motion moved by the Minister for Industrial Relations. It is difficult to work out what workers will and will not lose. There are advertisements by the federal government which suggest that nothing is actually going to happen. Mark Vaile says smokos and meal breaks will remain. Others suggest that long-service leave, overtime, penalty rates, meal breaks, four weeks annual leave and parental leave without pay will disappear. It is very difficult in this environment to make a comprehensive assessment. The word that is used, 'flexibility', would suggest pay rates will go down. There is no commitment from the federal government at this stage that pay rates will not go backwards.

Currently many conservative commentators say that the bargaining position of workers is incredibly strong in this current environment. That is a bit dishonest. You have to consider that it is fine for management and skilled individuals but for those who are unskilled the ability to bargain is severely limited. The federal government is very supportive of allowing small business to collectively bargain. I work a lot with small business and I am very supportive of that ability to collectively bargain. By the same token the federal government wishes to remove from workers that right to collectively bargain. I cannot understand how it gives small business the right to collectively bargain against big business because there is an unfair position of power but it will not give it to workers. It is essential that there is consistency in its approach to collective bargaining, that it allows workers along with small business to collectively bargain in this environment.

Where are we headed with the flexibility it wishes to bring into the system? It appears very much that we are going to see a low-wage future. We are going to focus our economy on industries that rely on low wages, high volumes and small margins. We are going to focus our economy on industries which solely produce that outcome.

Mr Perton interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Doncaster is out of his spot.

Mr DONNELLAN — So we will have industries that rely solely on price to compete in the world market. We are setting up our industrial relations system solely to deliver low wages.

Mr Walsh — Just look after your chicken growers!

Mr DONNELLAN — The chicken growers are very happy, thank you. The Deputy Leader of The Nationals knows the chicken growers are allowed to collectively bargain and would in all fairness suggest that would be fair for workers. That is appropriate in the circumstances.

What do we want to do? We have to look to the future to develop Australian industries that sorely compete on price and have no product differentiation. Surely we want industries that rely on high levels of research and development and design skills and require well-trained and skilled workers — that is what we need in the next 20 years. Saul Eslake said recently that industrial relations reform is a second-order issue and realistically the big issues we need to address in this country at the moment are infrastructure and skills development. What have we got in the area of skills development from the federal government? We have 300 people in five different regions around Victoria going through apprenticeships. That is about it. That is its grand contribution to the skills development of this nation to provide people with skills to take them into better paid jobs in the future.

Our economy will slowly but surely move to industries which only compete on price. Every time the world economy slows down we will get battered and drop our prices and wages. If we actually developed an industrial

relations policy with skills development and so forth and looked to put intellectual input into our products we sell overseas, we would not get battered in the world markets as we do at the moment. I am very supportive of the mining and primary industries, but we need to develop more in our economy so we can provide well-paid jobs for people to bring up families.

Mr Walsh — What have you got against farmers?

Mr DONNELLAN — I have got nothing against farmers. I am very supportive of them.

Dimbo the village idiot could tell you that if you pay people less, productivity goes backwards. For some reason these advertisements say productivity will go forwards. When New Zealand deregulated its labour market, productivity went backwards. Productivity here was running at 2.5 per cent per annum per worker until 2000. It has now slipped back to 2 per cent per annum.

These are the big issues the government needs to deal with. If you give people less money, they do not work any harder. It is a simple fact of life. Dimbo the village idiot knows that. If you look at the grand lady of the laissez faire system, the United States of America, wages have been held down for 20 years in the services area. Its rates of productivity in the services sector have stagnated. They are the simple facts of life. The federal government thinks if you pay people less, you get more out of them. It just does not work that way.

What will happen to our low-wage policy?

An honourable member interjected.

Mr DONNELLAN — Labour is cheaper of course, but you do not get any more out of people if you pay them less.

If you look at our current account deficit, our elaborately transferred manufactures have gone backwards as a percentage of exports. What has the federal government done about that? It has sat on its hands and done absolutely nothing. Productivity was actually going forward under the reforms of the Keating government — there was flexibility but now it is coming to a standstill. The government has sat and watched the big debt truck grow bigger and bigger and has done very little to address it. You cannot do anything about a drought, but you can certainly encourage manufactured exports. These people have done absolutely nothing. Hopefully the debt truck will be bought out at the next federal election. Someone should kindly remind Peter Costello what the debt truck was for.

My expectation is we will have low wages and high profits but we will not have greater capital input and productivity will go nowhere. We will not have any more investment in research and development. It is fair enough that people take home more profits, but it will not do anything for the economy overall. Profits will increase, but money needs to go into capital investment and research and development. What is the future? There will be thousands of working poor. We will have to jack up family payments, the safety net and all those things to give people a reasonable standard of living.

House divided on motion:

Ayes, 56

Allan, Ms	Jenkins, Mr
Andrews, Mr	Kosky, Ms
Barker, Ms	Langdon, Mr
Batchelor, Mr	Leighton, Mr
Beard, Ms	Lim, Mr
Beattie, Ms	Lindell, Ms
Bracks, Mr	Lobato, Ms
Brumby, Mr	Lockwood, Mr
Buchanan, Ms	Lupton, Mr
Cameron, Mr	McTaggart, Ms
Campbell, Ms	Marshall, Ms
Crutchfield, Mr	Maxfield, Mr
D'Ambrosio, Ms	Merlino, Mr
Delahunty, Ms	Mildenhall, Mr
Donnellan, Mr	Morand, Ms
Duncan, Ms	Munt, Ms
Eckstein, Ms	Nardella, Mr
Gillett, Ms	Neville, Ms
Green, Ms	Overington, Ms
Haermeyer, Mr	Pandazopoulos, Mr
Hardman, Mr	Perera, Mr
Harkness, Mr	Pike, Ms
Helper, Mr	Seitz, Mr
Herbert, Mr	Stensholt, Mr
Holding, Mr	Thwaites, Mr
Howard, Mr	Trezise, Mr
Hudson, Mr	Wilson, Mr
Hulls, Mr	Wynne, Mr

Noes, 26

Asher, Ms	Mulder, Mr
Baillieu, Mr	Napthine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs
Dixon, Mr	Ryan, Mr
Doyle, Mr	Savage, Mr
Honeywood, Mr	Shardey, Mrs
Ingram, Mr	Smith, Mr
Jasper, Mr	Sykes, Dr
Kotsiras, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr
Maughan, Mr	Wells, Mr

Motion agreed to.

WORKING WITH CHILDREN BILL

Second reading

Debate resumed from 21 July; motion of Mr HULLS (Attorney-General).

Mr McINTOSH (Kew) — The Working with Children Bill is certainly a difficult one for the opposition. I say from the outset the opposition takes the view that the idea or notion that children should be protected should be of paramount importance in a consideration of the bill. Certainly we would support the idea or principle of police checks and other forms of checks being made so as to prevent undesirable people from working in child-related work. The opposition certainly would have advocated that in the past and does now advocate it.

However, there are a number of problems with this bill. The first is that any system does not necessarily make a good system. Any system that seeks to uphold those objectives of protecting children through the process of police and other checks does not necessarily have to be the correct system, and one of our profound concerns about this bill is that the complexity of this bill and the structures it puts in place could certainly be unfair, unworkable and provide profound injustices upon individuals. Accordingly, that is a matter of concern.

The level of administration that the bill introduces as a result of its complexity will be profound, and indeed many organisations that carry on child-related work within the definition of the bill could be adversely impacted upon by a complex process. Those in or out of child-related work can be somewhat ambiguous because of the convoluted definition of 'child-related work', which on my account runs to some 1200 words in the bill. Indeed, the exemptions in the bill are very complex in themselves, and certainly are not easily understood. The inconsistencies that may arise under those exemptions are a matter of profound concern.

We are concerned about the idea that applications for child-related work should be made to the secretary of the Department of Justice, and the opposition agrees with the privacy commissioner that that body should be an independent person who is adequately trained and resourced in that area. Certainly the secretary of the Department of Justice — and this is no criticism of the secretary — is not the correct person to whom applications should be made. Certainly the consequences as a result of a negative assessment could be profound, and the outcome could change dramatically with perhaps a little bit of discretion and an opportunity to review the circumstances and the assessment process. While there is discretion in some circumstances, we think it could still work injustices.

Dating back checks and searches to an unlimited amount of time can also work injustices. The commission of a number of offences provided in the bill could lead to two years' imprisonment, which seems to be a standard form of penalty imposition. Given that the knowledge does not have to be proven by the prosecution in relation to those offences, this could again lead to profound injustices. Taking all those matters as a total, we do not think this bill is necessarily a good bill. We certainly do not think that the processes that have been implemented and the mechanisms that have been provided with this bill are adequate, appropriate, efficient or indeed effective. I would certainly have preferred to have seen a far better system implemented.

From the outset I say that the Liberal Party supports the appointment of an independent children's commissioner. From recollection I believe the child safety commissioner that the minister appointed last year does not fit that bill. That person is a bureaucrat; there needs to be a completely independent person with an independent office and properly resourced staff to deal with these sorts of applications. They need to deal with the provision of an educative program to ensure that organisations, volunteer or otherwise, adopt child-safe policies as a process of education rather than doing it by way of legislation. Other activities the children's commissioner could undertake include being an advocate for children even when that advocacy means that the children's commissioner has to take on the Victorian government.

I summarise the concern the opposition has. While we support the idea of police checks to protect children and accept that the interests of the child should be paramount in relation to all of these matters, we certainly do not believe the process as set out in this bill is workable or effective or an efficient way to go about the matter. There would be much better and a variety of different ways of doing it than this way. I do not profess to be the font of all wisdom in this regard, but I certainly believe that greater consultation with a large number of key stakeholders may have provided a better outcome in relation to this bill.

The bill provides that child-related work — and these are really my words: I am not quoting from the bill; I have tried to provide a simple explanation or definition — means work which can be either paid or voluntary which involves regular direct unsupervised contact with children in industries or activities which are set out in clause 9(3) of the bill. They include such

things as child-care service provision, schools and education facilities, paediatric wards in hospitals, the fostering of children, babysitting arranged by a commercial agency — that is certainly a limitation — and clubs, associations and movements whose membership comprises mainly children.

The first thing to note is that there is a limitation on the types of industries and activities that operate under the definition of child-related work. Most importantly, it can be paid or unpaid, but it involves regular and direct unsupervised contact with children. A child, of course, is anybody under the age of 18.

From the outset I will say that across a raft of different forms of legislation there are exemptions. An example is teachers, because they are already governed under their own arrangements with the Victorian Institute of Teaching. Police are also exempt because they have a stringent quality control process and they have their own regime. Certainly you can look at a juxtaposition of this situation with the child employment laws which we are committed to repeal: the opposition would say they are about industrial relations more than about improving the safety of children. Those laws are about preventing children working in the workplace, and that is a retrograde step.

As we have heard from people in rural and regional Victoria, there has been a dramatic outcry over the imposition of this bill, which could prevent grandma and grandpa from even having their grandchildren work on their farm. Notwithstanding the fact that they will not have to have a police check, they certainly will need a permit from the Secretary of the Department of Infrastructure — unlike the provision in this bill, where the permit will come from the Secretary of the Department of Justice.

Again, I would have preferred to see a bill that encompassed all those principles and was administered by an independent officer known as the children's commissioner, with the power to enforce all those provisions and to bring them all under one global piece of legislation. And there are inconsistencies. I listened to the Premier on the day of the announcement of this bill coming into the house. Clearly he could not work out the difference between child employment laws and the operation of this bill when he was asked about grandma and grandpa on farms. He talked about their having been exempted from the operation of this bill. They have not actually been exempted. What the Premier was talking about, when you actually divine it, were the child employment laws.

Clearly there is confusion even in the government's own ranks about what this bill says and how it will operate. Given the fact that even the government is confused about the operation of this bill and how it sits with the child employment laws, God only knows how people in small voluntary associations who will be caught up in this bill will be able to properly administer the impact of this bill on their organisations. Certainly a significant concession has been made by the government by watering down the definition to 'regular direct unsupervised contact', from mere 'unsupervised contact'. It is a step in the right direction. I, together with Bruce Atkinson in another place, the opposition spokesman for sport, met with representatives of some 15 different sporting associations, who expressed profound concern about the original draft document that appeared on the Department of Justice's web site. Now 'unsupervised contact' has been watered down to 'regular direct unsupervised contact'.

As I said, there are a number of exemptions, and they are complex and confusing. When you juxtapose these exemptions with child employment provisions you can understand why the Premier was somewhat confused about this matter. For example, one of the exemptions is for volunteers whose children are participating in a relevant activity. They are exempt from the operation of this bill; they do not need to go through the process of obtaining a check. A volunteer, of course, is someone who is unpaid and who can be a parent of a child who is participating in a relevant activity. For example, a dad coaching his son's football team is exempt from the operation of this legislation. But as we know, that can be a fluid thing. For example, my own eight-year-old son plays in a hockey team that is coached by the father of one of the boys in that team. He is a very good coach and the team is doing extraordinarily well. I might add that they are at the top of the ladder. I had better not mention the name, but it is the Hawthorn Hockey Club. The Kew Hockey Club will never forgive me!

Can I say that there is no family association with hockey. My son decided that he wanted to play hockey, and Hawthorn is a lot more convenient because he can catch a train at Box Hill. The coach is very good, but there is some suggestion that he will remain coaching the under-9s next year when my son moves up to the under-11s and the coach's son also moves up. If the two boys go up to the under-11s next year and the coach continues to coach the under-9s, then within the ambit of this legislation he will need a police check.

There is some confusion as to what an activity is. Someone raised this point, and it is a bit unclear. If there are two teams in the age division, which is not uncommon, and you coach one team but your son

happens to play in the seconds rather than the firsts, does that mean you will need a police check? There are those sorts of matters to clarify. This is something that will have to be worked through.

I refer to a person who is working with a child of whom the person is not a guardian but to whom they are closely related. 'Closely related', of course, covers a spouse, parent, grandparent, aunt, uncle or sibling. They are entitled to continue their work with a child under the age of 18 without having a police check, but only in relation to that child. If there were regular, direct, unsupervised contact with another child or other children in the workplace, such people would have to have a police check. As I said, teachers and police are exempt from the operation of this legislation because they have their own regime, and any child under the age of 18 is also exempt.

There is also provision relating to visiting workers. This is a fairly curious provision. It relates to visiting workers who are normally not resident in Victoria and do not ordinarily engage in their work or other activity in Victoria. I was sitting in the audience during a hearing of the Public Accounts and Estimates Committee into the budget when the Honourable Gordon Rich-Phillips in the other place asked the Attorney-General about the Commonwealth Games. He asked whether Commonwealth Games athletes would be exempt from the operation of this act. This occurred before the bill included any sort of exemption for visiting workers. When the question was asked of him the Attorney-General was a bit stunned. He went bright red, and there was a lot of passing of notes and discussion among his advisors. Finally he came out, after some 5 minutes of discussion and after what was clearly an embarrassing question, and answered, 'We will exempt the Commonwealth Games'.

Likewise, visiting workers — and that can include those involved in voluntary activities, sports teams and things like that — who are not resident in Victoria and who do not ordinarily engage in work in Victoria will be exempt from the operation of this bill. That provision may pose a great deal of difficulty for those working or living in border towns such as Albury which is just across the New South Wales border. Those people may, for example, coach an under-age football team. While they are in New South Wales they can travel around the schools, but I would imagine that those teams probably have a regular roster or fixture under which they have to play under-age teams in Victoria.

Mr Ryan — It's a border anomaly.

Mr McINTOSH — It is, indeed. As the Leader of The Nationals has said, it is a border anomaly. That anomaly is a bit unclear because it lacks any degree of specificity as to whether such people would be caught within the ambit of this legislation.

In any case, if you are engaged in child-related work and you are not exempt, then you have to apply to the Secretary of the Department of Justice for a working-with-children check. The secretary then has to conduct a police check. I note that the government — and I think this is certainly a step in the right direction — has announced that it will fund the applications made by all volunteers in relation to these matters. Sporting teams, clubs and associations, and movements would be exempt from the application cost; that would be picked up by the government. I certainly welcome that announcement. As I said, the secretary then has to conduct a police check.

The secretary can conduct a number of other intrusive inquiries in relation to what are said to be 'prescribed bodies'. This is a matter of some concern that was raised by the Scrutiny of Acts and Regulations Committee (SARC) in its *Alert Digest* report on this bill. What does the government mean by 'prescribed body'? Is it any body? The minister gives an example in his second-reading speech of the nurses board, and talks about domestic disciplinary bodies. I presume that would also include, say, the disciplinary bodies for medical practitioners, lawyers and others who may be subject to a disciplinary process. The ambit of those prescribed bodies is not limited by the legislation. This means that the minister, by way of regulation, can prescribe a body, anything from the nurses board down to the canine kennels council or something like that. The ambit is very broad. It is a matter of concern that was brought up by SARC. The privacy commissioner was also concerned by the breadth of that description.

Likewise, there is the question of what the secretary would be interested in, given the fact that in the different types of categories of application there are sexual offences, violent offences and drug trafficking offences. All of these things would be matters that would concern the secretary in the exercise of whatever discretion she may or may not have in granting an application. Indeed, the breadth of these prescribed offences is not limited just to those reported. We do not have any limitation on the types of offences that could come to the attention of the secretary and may concern her.

An inquiry made, for example, to the Law Institute of Victoria about somebody who was a solicitor, who had lost their ticket to practise, and who had been

disciplined because of a sexually related offence, or indeed a drug trafficking offence, would be of interest. Likewise, the non-payment of dues to the LIV normally would not cause anybody grave concern but could be captured by this legislation. Even if it were not, the legislation is so broad that if the secretary makes an inquiry to the LIV, for example, the reply may include everything, such as allegations of misconduct, proved or otherwise, a litany of concerns about minor infractions of the rules that led to some disciplinary outcome, or a warning or otherwise — and likewise in a variety of other matters. It then remains on the file of the secretary.

As with the police check, those matters probably go through the LEAP database and end up on the desk of the Secretary of the Department of Justice, which again is a matter of profound concern to the privacy commissioner, who has expressed real concern about security in relation to those matters. A lot of disparate information or information that may not necessarily correspond in degrees of accuracy or otherwise could end up as part of the file on the secretary's desk, without any provision for proper privacy principles being adopted as to how it would be treated or indeed any true delineation as to what would be of interest to the secretary.

The application having been made to the secretary, under this legislation she can also make inquiries of the Director of Public Prosecutions, but I wonder why that would be the case. I imagine the secretary would be able to check or double-check with the Director of Public Prosecutions on any revealed charge and finding of guilt. As the interests of the children are paramount, that is probably an appropriate step. The secretary can make an inquiry of any other person or source she thinks fit. No matter how broad the inquiries may be without being made to a prescribed body, the provision for applications to be made to any other person the secretary thinks fit is so broad that on top of that there is a complete exemption from the provisions of the privacy legislation and therefore, the privacy principles set out in that act.

The application is made and the secretary then has to determine whether the application falls under category 1, 2 or 3. If it is not a category 1, 2 or 3 application, then the application for an assessment notice must be granted. In all those category 1, 2 and 3 applications — and this is the complexity par excellence — there are different types of offences that cause the secretary concern. In each one of those matters the type or standard of the discretion is different. As a result the secretary has to apply a different discretion while the underlying principles of what she can take into account are more or less the same — not exactly the same, but more or less the same — and the discretions are quite different.

Category 1 relates to people who fall under the provisions of the Sex Offenders Registration Act or the Serious Sex Offenders Monitoring Act — the Mr Baldy-type person we have recently heard some public debate about. If those sorts of people have been convicted or found guilty of a serious sexual offence against a child, then those applications must be refused by the secretary. There are no ifs, buts or maybes; once it comes up and you trigger that sort of a response, then the application must be refused.

I have one example of a person who contacted my office and said that some 30 years ago they had been convicted of having a sexual liaison with an under-age person, although they had been released on a bond given the circumstance that an honest mistake had been made. But whatever the circumstance, that conviction will certainly be thrown up, and because the person offended against was a child at the time of the offence, the application must be refused by the secretary — no ifs, buts or maybes. For example, I refer to the much-publicised circumstances of the teacher down your way, Acting Speaker — I think he was from Orbost. Notwithstanding the substantial community support for him, the fact that his conviction related to a lass — anyway, it was some time ago — means that in this particular circumstance the secretary would not have any discretion whatsoever, no matter what merit could be made for it.

In relation to a category 2 application, the secretary must refuse it if the applicant is convicted or found guilty of a sexual offence against an adult, a violent offence, a drug offence or child trafficking, or if such charges are pending — that is, if category 1 or 2 offences are pending, are before the court but not yet dealt with or processed by the court. Unless the secretary is satisfied that the applicant does not pose an unjustifiable risk to the safety of children, having regard to the prescribed criteria set out in the bill, then the secretary must refuse the application. There is a discretion if the applicant proves they will not be an unjustifiable risk to the safety of children; otherwise the secretary must refuse it.

In a category 3 application, if an applicant has a finding against him by a prescribed disciplinary body, has charges pending or has been convicted or found guilty of serious offences under the Working with Children Act — and there are named instances: for example, engaging in child-related work without an assessment notice — the secretary must grant the assessment notice

unless the secretary is satisfied that it is appropriate to refuse it because the applicant is not of good character under the criteria set out.

When you actually get to the appeal process — and I think that is a valid and appropriate step — that is taken at the Victorian Civil and Administrative Tribunal, but VCAT is not the appropriate body to appeal to from a negative assessment given by the secretary. The secretary is now given a discretion in relation to category 1, but this introduces a slightly different test: the person cannot pose an unjustifiable risk to the safety of children, having regard to the prescribed criteria. In relation to category 1 offences, which are sexual offences against a child, VCAT must also find that there is a public interest in providing the assessment notice. It is a different test — a different hurdle — and again creates a complication.

I note also that there is no discretion in relation to the sex offenders register extended supervision order, except that if you are on the sex offenders register under an extended supervision order the only ground for appeal is if they have actually got the wrong bloke — for example, if the name on the register is Andrew McIntosh but it was somebody else and you can prove that to the satisfaction of VCAT.

As I said, the concern that we in the Liberal Party have is that the bill is complex and convoluted. We are concerned about the different tests that the secretary has to apply to people in categories 1, 2 or 3, right through to the time a matter gets to VCAT. There seem to be different tests, and that complexity is certainly something that is going to apply to large corporations that are undertaking child-related work, right through to the small sporting association with a few members who are doing the right thing by their kids but where a dad happens to be coaching the wrong team on a particular occasion. Organisations such as that are not wealthy. Yes, the government is paying for the checks, but the administration that is going to be incurred is something of profound concern to us.

There is no doubt that the bill is virtually gobbledegook because of all the inconsistencies and anomalies. While it has been the subject of public consultation from the beginning of this year and while many of those matters have been addressed, there is certainly room for improvement. I would have thought the simplest thing to do would be to appoint an independent child commissioner with rights. Accordingly, I desire to move:

> That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until an independent child commissioner is appointed, whose responsibilities include proper consultation with key stakeholders and to oversee the implementation of a simple and effective method of police checks for all applicants wishing to undertake child-related work and who can oversee the implementation of child-safe policies'.

Mr RYAN (Leader of The Nationals) — By leave, may I have the extra 10 minutes, which I understand the Leader of the House has accorded me to speak?

Leave granted.

Mr RYAN — Thank you, Acting Speaker. The Nationals support the principle which underpins this legislation, because it is something close to the heart of everybody in the Parliament. The need to offer our children the best possible protection from paedophiles and their ilk is something that would find ready acceptance among everybody in this chamber. The Nationals are very concerned, though, about the mechanism which the government has adopted to achieve this laudable aim.

The Nationals oppose the bill. We do so after having given it very careful consideration, because it touches upon issues that are a priority for all of us both within this Parliament and beyond. We believe that the bill before the house is clumsy and invasive and lacks the independence of oversight that should be applicable in circumstances such as those now before us. In many respects it lacks commonsense. The focus is on the innocent as opposed to where it ought to be — that is, on those who have a proven record of breaching the law that attracts the consideration of the bill. Apart from anything else, we are concerned that the government simply does not know how the bill will work in a practical, operative sense. I will return to that feature during the course of my contribution.

We are not alone in expressing concerns about this. I listened with interest to the views put on behalf of the Liberal Party by the member for Kew. In addition The Nationals have heard from an absolute raft of volunteer and sporting groups about their concerns over different aspects of the bill. There have been concerns expressed even this very day by Paul Chadwick in his capacity as the privacy commissioner. Victoria Legal Aid has expressed a strong point of view about the bill, and the Scrutiny of Acts and Regulations Committee has tabled a report which in part concerns itself with different aspects of the bill.

We believe the government should withdraw the bill and start again. It should develop a mechanism whereby the aim which it intends to deliver can be delivered in a manner that is more appropriate and

strikes a proper balance between the risk to our children on the one hand and the severe and significantly invasive nature of the existing legislation on the other and the way in which that is out of step with what this seeks to overcome.

I wish to move an amendment — namely, that all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until the government has fully investigated the Queensland and New South Wales equivalent legislation and develops a Victorian model that is reflective of those schemes, particularly with regard to the issue of independence of oversight'.

The ACTING SPEAKER (Mr Ingram) — Order! On that issue, there is already a reasoned amendment before the house, so the Leader of The Nationals can foreshadow his reasoned amendment but not move it.

Mr RYAN — Thank you, Acting Speaker. The Premier of Queensland, Mr Beattie, introduced legislation into the Queensland Parliament on 9 November last year. This was the Commission for Children and Young People and Child Guardian Amendment Bill. In the course of the second-reading speech for that bill the Premier made reference to what is termed the 'blue card' which applies in Queensland. In effect it is the card issued to those who go through the system which applies in that state and which the Victorian government is now endeavouring to introduce here. Mr Beattie said:

> The Queensland blue card is unique because it represents a criminal history clearance by a single independent agency — the Commission for Children and Young People and Child Guardian. Significantly, it is also transferable across categories of regulated employment, businesses and volunteering in Queensland.

Two essential points come out of that. The first is that in the course of his commentary Mr Beattie made the point that this system is independent in the way it operates in the state of Queensland. That happens under the prevailing legislation where an independent commission has been established for the oversight of the Queensland legislation. The bill now under discussion in Victoria does not establish that independent commission. We do not have under this legislation the independence this process cries out for.

The other point is that Mr Beattie spoke of the availability of the blue card in Queensland and said that it goes across all aspects of the operation of the legislation in that state — one card applies across the whole gamut. That will not be the case here in Victoria. As I will demonstrate in the course of my contribution, we will not achieve that outcome through what is intended to happen here.

I wish to refer to a speech by Dr Refshauge, the then Deputy Premier, Minister for Education and Training and Minister for Aboriginal Affairs in the New South Wales Parliament. On 3 September 2003 he introduced the Child Protection Legislation Amendment Bill. He said in part:

> First, we need to ensure that allegations of child abuse against employees are investigated in a timely and appropriate way, and that appropriate action is taken where an employee has not upheld community standards of behaviour.
>
> We have given the Ombudsman the responsibility of overseeing these investigative systems through part 3A of the Ombudsman Act. Second, we need a system that thoroughly screens anyone seeking child-related employment. That is why we introduced a centralised employment screening system to be administered by the Commission for Children and Young People.

Again, the point is that an independent authority exists in New South Wales for the purpose of being able to oversight this extraordinarily important piece of legislation. That will not happen here in Victoria and in our view it is a fatal flaw. It is not right to have the proposals accommodated in this bill under the control of the government of the day per favour of the department. That is no reflection upon the secretary of the department in her current role. We need to look at this in the longer term and the fact is we should not have the government of the day involved in the oversight of this legislation. The matters which are the subject of the police check and the whole process surrounding it are by their very nature extremely sensitive. These are issues which need to be retained by an independent authority, not by the government.

Here in Victoria we are having enough trouble trying to keep the law enforcement assistance program system operated by the police under control. At this very time we are seeing another incident where an error of some sort has occurred in the Office of Police Integrity and files have been sent out. We still do not know precisely what happened but the government is ducking for cover and the relevant authorities are coming up with various responses as to what has occurred. It would be untenable to have a situation where the government of the day could be in control of sensitive material such as that contemplated by this bill.

Remember, 670 000 people or thereabouts are going to be subject to this process. I understand from the excellent briefing I received in relation to this last night that about 500 000 of these people are volunteers and the other 170 000 people will be working with children. The onus is on the government to demonstrate that this

system will be completely secure, that it will work properly and that it will deliver the outcomes that it proposes. The Nationals do not believe that the government has been able to satisfy its onus with regard to those important matters.

Why is this so important? Because this legislation by its nature focuses on the innocents. It is putting 670 000 people to the test in an environment where the probability is the names of about 0.5 per cent, or 3350, of them will ultimately turn up in this system. I do not believe you can have a position apply as this legislation contemplates, which in our view will involve plenty of trial and error.

Let us have a look at some of the specifics of the deficiencies in the bill. The first is that it is not independent on the question of oversight. It is asking people to have faith in a system when I believe the people of Victoria have demonstrated a lack of faith in the government's capacity to do what this bill intends. The credibility of this system is imperative and the best way to achieve that level of credibility and trust is to put it in the hands of an independent commission of some sort.

Clause 43 of this bill provides broad-based delegation powers. In the first instance the secretary of the department is said to have responsibility for this and the provisions of clause 43 further dilute what is already an unsatisfactory state of affairs. This question of a lack of independence is an important flaw.

The second issue is this legislation creates two classes of cardholder. You need to read the bill carefully before that conclusion evolves because it is not obvious on the face of the bill. We will end up having on the one hand people who go through the police check and obtain cards as volunteers and on the other people who go through the police check system and come out with cards that enable them to be associated with child-related work. The bottom line is we will not have the blue card system that applies in Queensland. This has come about because of money. The government understood very clearly that if it had a system where volunteers were able to apply for the check without any cost while others applying for the check had to pay $70, inevitably good old human nature would take over and there would be a huge rush of 'volunteers' going off to get the police check done at no cost and then using the card right across the system.

I understand from discussions in the course of the briefing last night, and I think this is a reasonable comment for me to take out of that conversation, that in Queensland they have simply bitten the bullet and resigned themselves to the fact that the blue card is going to operate in an environment where a lot of people will come along as volunteers in the first instance and not pay what I understand to be $40 for the police check in that state. The Queensland government appears to have shrugged its shoulders and said it will wear it. This is an issue the Victorian government will have to consider.

The mathematics themselves bear questioning. The government says it will allow volunteers to have the checks undertaken free of charge and it has allocated $20 million for that purpose. However, if you look at the numbers, the figures do not add up. I am told 500 000 volunteers will apply and the police check will cost $70 — in my mathematics that adds up to a figure of $35 million which the government will have to forsake. I think the government needs to explain how the $20 million it has allocated matches up against the $35 million needed.

In addition, if the government has come that far and if only 170 000 other people are going to be subject to this check, why not make it free for them as well? It would mean a cost of about another $4 million or $5 million, which is a considerable sum of money, but by the same token for the sake of the exercise the government would be well advised to add the additional money in and make the check free for all. Indeed, as I do the mathematics on my feet I think it works out to about $10 million or $11 million for an extra 170 000 at $70 a throw. Whatever it might be, I think the government should resign itself to that circumstance.

These two classes of citizen arise because of the requirements set out under clause 10 about how an application for a working-with-children check is to be made. It says words to the effect that a person may apply to the secretary for a working-with-children check to be carried out on him or her and an assessment notice to be given to him or her on the completion of that check. Clause 10 does not say that you need to make one form of application for volunteer positions, but another form applies to a card applicable to child-related work. It is only as you look further through the legislation that that issue turns up. The offences provision of clause 37 says that using the volunteer assessment notice for paid work is an offence and can attract a criminal conviction, which might result in a fine of a maximum of five penalty units. When I asked about this in the course of the briefing, it was pointed out to me that the notes to that clause say:

> A person who has been given an assessment notice on an application that did not specify an intention to engage in child-related work for profit or gain may apply under

> section 10 for an assessment notice that may be used in respect of child-related work engaged in for profit or gain.

Again that is not apparent on the face of the legislation. Indeed, when you look at clause 19 you see that its content would seem to fly in the face of those notes. Clause 19 talks about the duration of the assessment notice and in essence sets out a requirement that you can only seek another assessment notice — which, by the way, is in force for five years — in a period beginning six months before and ending three months after the expiry of the notice. On the face of it you have to get within six months of the five-year expiry period before you can apply for another notice. That seems to run contrary to the notes that appear at the end of clause 37. I ask the government: what is the legislative basis of those notes? Where does the bill prescribe, on the face of it, the form and effect of those notes to that provision? It is important, because, as I said, a breach can attract a criminal conviction.

The bottom line is that we in Victoria need the blue card system, so that once you get the card you can work right across the whole gamut. We do not want the silly situation where if you successfully apply for a work-related card, it enables you to work as a volunteer, but the reverse does not apply. That makes a mockery of what we are seeking to achieve from this legislation, and the government needs to deal with it.

The next thing I am concerned about is that the government simply does not know how this is going to work. There are thousands of clubs — sporting organisations and otherwise — in Victoria, most of which are incorporated. I do not believe the government yet knows precisely how this will work. If the Sale Football Club employs a coach to deal with the under-12s, and the coach is not the parent of a child he is coaching, who at the club has the responsibility of making sure that the coach has complied with the terms of this legislation? Someone at the club — that incorporated body — will have to do it. Will it be the secretary? The president? A member of the committee? What is the practical function of this legislation, and how will it work?

I am told that, very sensibly, when the bill is to come into force an education program will be undertaken. Kits will be distributed, and there will be plenty of promotion of what is to happen. All that is eminently sensible. But people want to know about it now: we are passing this legislation now. The vagaries of the actual practical application of this legislation need to be out there in the marketplace so people can consider them.

I come to the concerns that have been expressed by Paul Chadwick in his role as the Victorian privacy commissioner. They are many and they are absolutely on point in terms of the matters that give cause for pause to The Nationals. Mr Chadwick made a submission to the Scrutiny of Acts and Regulations Committee. That committee, which I had the pleasure of chairing, has the enormous responsibility of measuring all pieces of legislation against the criteria set out in the act which controls the operations of the Scrutiny of Acts and Regulations Committee.

Mr Chadwick made a submission, and he had a number of very pointed comments to make in the course of that submission. He said that protecting children from harm is a legitimate aim that justifies adverse effects on the privacy of individuals, and assessing whether the bill has adverse effects on privacy that are 'undue' — that word is emphasised — requires an examination of whether the proposed legislative scheme is necessary, proportionate, effective and whether it contains appropriate safeguards. They are the benchmarks that he applied.

His emphasis was on the word 'undue' because that in turn is the word that appears in the legislation for consideration by the Scrutiny of Acts and Regulations Committee. Mr Chadwick had a number of observations to make. He noted that there are an enormous number of people — hundreds of thousands of people — who are going to be affected by the provisions of this legislation, certainly fewer than were originally intended. He went on to say that that:

> … may still be regarded as disproportionate in that it will impose a check on many individuals who may reasonably [be] believed to present less risk to children than some of those who are now excluded. Evidence suggests children are most at risk of abuse from those in their close circle.

That is the fact. There is material replete to indicate that something of the order of 80 per cent of the offences that are committed upon children are committed by those within their close circle, be they friends or family. The fact is that this legislation is going to exclude for the main part that very group who are the main proponents of the problems which this legislation seeks to avoid.

The privacy commissioner went on to say:

> The point, for present purposes, is that the bill for the working with children check (WWCC) scheme now excludes the groups who pose the greatest risk, and that is relevant to assessing whether the adverse effect of the scheme on those who remain covered by it is proportionate.

He concluded that the issue of clarity is contained within this legislation, or more particularly that is lacking in it, when he said:

> Clarity increases confidence. Lack of clarity increases the likelihood of adverse effects.

He went on to recite a number of examples in the course of his commentary and ultimately concluded that this issue of lack of clarity is another point where this bill fails the tests he has imposed.

He talked about the wide range of offences that could trigger an interim negative assessment that the person is not fit to work with children. In the course of all of that he reflected upon that wide range of offences set out within the legislation, more particularly in clauses 12, 13 and 14, and said that some are more serious or less serious than others, as the case may be. He was troubled by the process that is set out in relation to the way in which those offences are dealt with, and he concluded:

> Notwithstanding the opportunity to appeal to VCAT, in practice this aspect of the scheme is likely to lead to serious adverse effects on privacy which, in my opinion, are undue.

The privacy commissioner talked about the retrospective nature of this legislation. He was troubled by the notion of a prior criminal history which goes back for the whole of time and the fact that there is no time frame set aside in relation to the bill. He said:

> The scheme will operate retrospectively by requiring the secretary to scrutinise a person's prior criminal and disciplinary (or other) history, irrespective of how long ago the matters to be considered happened.

He concluded that there will be instances where people make an application and then withdraw it and that will have implications in the communities of which they are part, and he said:

> This withdrawal will leave open to those who know the person has withdrawn, but who do not know any of the facts, the serious and mistaken inference that the person is a risk to children. Such adverse effects are undue.

He talked about the need to have appropriately qualified and independent people associated with this scheme. He said that the scheme confers significant powers on the Secretary of the Department of Justice and her delegates:

> Unlike similar schemes in other jurisdictions, the bill does not set out any of the requisite qualifications that a person ought to possess to make the very delicate judgments that the WWCC will entail.

He went on to advocate for an independent statutory office. The privacy commissioner talked further about the issue of the uneven quality, as he termed it, of information which is going to be sought and garnered by the terms of this bill, and he said:

> It is the experience of this office that the quality — accuracy, timeliness, completeness — of personal information held by government organisations needs to be checked before significant decisions potentially adversely affecting individuals are made.

He concluded on this section by saying:

> The bill authorises the secretary to collect information from any person or source, requires this information to be held confidentially … but imposes no express detailed requirements for data quality checks. Having regard to the sensitivities involved in this scheme, the adverse effects that may result are undue.

He talked about methods with inadequate information secrecy and reflected on the fact that if you are going to collect this material you must have clear mechanisms for keeping it safe and secure. Finally, he talked about the issue of a lack of oversight in the bill:

> The bill has the potential to authorise acts or practices that could lead to the creation of a source of information about people who have received an interim negative, or negative, assessment notice.

He further said that the actual operation of the bill will probably lead to the development of a database or registry, and he said:

> The implication is that a register or database will be available to allow verification.

He further observed:

> Experience with the Victoria Police LEAP database and the less sensitive but still significant VicRoads database underscores the importance of external oversight.

He concluded:

> The bill lacks detail and that lack is an element in the conclusion that the adverse effects on privacy are undue.

This is from the privacy commissioner, the same privacy commissioner who is now involved in the detailed examination of the absolute disaster that has occurred in the Office of Police Integrity. This is the same privacy commissioner that this government refers to and defers to as being the appropriate person to conduct that all-important inquiry. This is the same privacy commissioner who has had the courage, I believe, with respect to him, to make this commentary to the Scrutiny of Acts and Regulations Committee (SARC). His views have a lot of clout and people justifiably should have regard to them. The committee has also made some pretty pointed comments expressing a variety of concerns that are set out in the course of the report which was tabled by the committee in the Parliament only yesterday. Those concerns in many respects reflect the worries that have been

detailed by the privacy commissioner in what he has had to say.

Victoria Legal Aid has made a submission to the committee. It also has made comments which again reflect the concerns that have been set out by the privacy commissioner and should also register with the government as being a matter of grave concern insofar as the future of this legislation is concerned. What is the import of all this? The fact is we all want to protect our children against the sort of conduct which this bill contemplates. I think we can in all fairness, even given the adversarial environment of this place, call that a given and put that issue aside. The question is: how do you do it in a balanced fashion which has due regard to all the contributing factors?

So far as my own observations and those of my party are concerned, and for the reasons that are set out in the material from the privacy commissioner, by Victoria Legal Aid, by the SARC and by many of the organisations which incorporate the hundreds of thousands of people who are going to be affected by this bill, it seems to me that the government essentially has got it wrong. With the best will in the world, the government has got it wrong. As I say, we support the basic intent; yes, we certainly do, but the mechanics of doing it are going to be very important to all Victorians. You do not pass legislation unless you can properly and fully enforce it. That is certainly the case with an issue such as this. Given what we have here, I am afraid to say, The Nationals must and do oppose it.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak in support of the Working with Children Bill because this bill is fundamentally about protecting our children. It is about recognising that when parents send their children along to any community organisation, to any sporting club, to the scouts or anywhere else, they can be reassured that some minimum standards apply for those who are working with their children, whether they are paid workers or volunteers. That is going to be done through a statewide system of checks that will be based on a person's criminal record and any information available from any professional disciplinary hearings.

It is important to see this bill as historic. I am disappointed the opposition is not supporting it, because every organisation that works with children will have to meet minimum standards. We have had the opposition here today saying, 'We support this kind of legislation; we are happy to see legislation', but in fact when it gets to this bill they oppose it. This basically follows a pattern for opposition members over a long period of time. They claim they support the legislation, but they want to make changes to it in ways that would render it ineffective.

The Leader of The Nationals put out a media release in April in which he said that he wanted to exempt a whole raft of individuals and organisations, basically volunteers, from the police check. He said:

> It would be more effective and less onerous for volunteer groups if volunteers signed a statutory declaration, which provided undertakings that the individual had not committed any of the prescribed offences.
>
> Then it would be up to Victoria Police or the Department of Justice —

to undertake spot checks. That is what he said. This was even after the government had made it clear it was going to pay for the checks, and the Leader of the Opposition says again this is a good idea. Does the opposition seriously believe that a sex offender coaching a local swimming club, when asked, is going to own up to past offending or a criminal record? Does it seriously believe that a spot check in these circumstances is going to be effective? We have 500 000 volunteers out there working in community organisations and 150 000 paid staff. If you check only the paid staff you will be checking around one in five — that is, about 20 per cent of those people who are working directly with children will be checked in those circumstances. That is simply not going to be an effective scheme.

The opposition has not got the faintest idea of what it is talking about here. There will be a whole raft of people who would not be checked under those proposals, and that is not acceptable to the government, and it is not acceptable to the community. The community out there has woken up to the fact that sex abuse is not something that happened just in religious organisations 30 years ago; it is something that is happening now. If you look in the newspapers, virtually every week now you see a report of a case of a teacher or a youth worker or a youth club leader or a swimming coach or someone who has committed sex offences against one of their pupils, their students or one of the young people they are given the responsibility of looking after.

The other criticism by the opposition is that most child-sex offences are committed by family members or close friends of families, not strangers at the local sporting club. The government recognises that. It recognises that there are many offences committed within families and by people close to children in families. We understand that. That is why we have a child protection system. But the fact of the matter is that parents want to know, when they leave their children in the care of a volunteer or a paid staff member, that that

person is not someone who has a previous record or has previous form in relation to offences against children or other serious criminal offences. That is what this bill is all about. It is about making community organisations safer.

As this issue has come to the surface many parents are actually surprised to find out there are no checks or standards and they are calling out for them. The opposition has been far too negative in its response to this bill. In Queensland community organisations do not fear checks — they welcome them and are proud of the fact that their staff and volunteers have been checked and are deemed to be suitable to work with children. Contrary to what The Nationals have said, the experience in Queensland is that people have not been deterred from volunteering in sporting organisations. In the review of the legislation they wanted it strengthened.

Previously in Queensland you could commence work as long as you were getting a check. In the review the community organisations said that system should be strengthened so you cannot commence work with children until you have had a check. That shows the extent to which community organisations in Queensland have embraced the legislation. I wish The Nationals and Liberals here would do the same.

The Leader of The Nationals claimed the system is not independent and robust enough. He said there are no independent checks and balances within the system. Let us look at what would happen in Victoria under the system. Numerous checks and balances have been built into the system for those who receive a negative assessment. For example, the secretary of the department has the discretion to review a negative assessment. In certain circumstances where someone has a negative assessment they can write to the secretary of the department and ask for it to be reviewed.

Similarly, anyone who is subject to a negative assessment can appeal to the Victorian Civil and Administrative Tribunal, unless of course they are on the sex offenders register. That is entirely appropriate. There will be circumstances in which there is a discretion for VCAT to overturn that negative assessment. The child safety commissioner has a role in monitoring this legislation. The government has said the legislation is not set in concrete. It will be subject to an annual review and report by the child safety commissioner. It will be subject to a formal review in three years time. There are adequate safeguards.

The Leader of The Nationals also raised the question of privacy and referred to a number of issues raised by the privacy commissioner. The government has made a commitment that it will work with the privacy commissioner on the implementation of this legislation. The privacy commissioner will be on the ground floor working with the government on implementation to ensure any privacy issues are addressed. The bill makes it absolutely clear in clause 40 that it is a criminal offence to make use of any information gathered under the bill for purposes outside of the scope of the act. There are already significant penalties in place for those who seek to breach the privacy provisions contained in the bill.

The bill should be and has been welcomed by community organisations. I would like to congratulate the Australian Council for Children and Youth Organisations. A number of philanthropic trusts, community service organisations, the police, judiciary and magistrates pushed for this legislation back in 2001. I would particularly like to acknowledge the role that has been played by Vicki Smorgon and Andrew Blode who have been a driving force along with Ian Allan from the Pratt Foundation, Stewart Bensley, Anton Herman, Nettie Horton and Andy Walsh from Victoria Police. The reason why they pushed for this legislation is the reason why the government is implementing it. They became aware they were giving money to organisations that were working with children and young people and they had no idea what the organisations were doing to protect those children and young people.

This bill sets down the minimum requirements. On top of that organisations need to develop their own accreditation requirements and standards; they need to look at their recruitment policies to make sure they are properly screening people; they need to do proper reference checks and they need to make sure they are matching applicants with their proper ID. The bill provides these basic standards and I commend it to the house.

Debate adjourned on motion of Mr PERTON (Doncaster).

Debate adjourned until later this day.

CASINO CONTROL (AMENDMENT) BILL

Second reading

Debate resumed from 21 July; motion of Mr HULLS (Attorney-General).

Mr SMITH (Bass) — It gives me pleasure to speak on the Casino Control (Amendment) Bill, which the Liberal Party supports. We must ask why this piece of legislation is in place today. Apparently in June 2003 the Victorian Commission for Gambling Regulation sought to enter into discussions with Crown Casino in regard to reviewing the casino agreement that was in place, but of course Crown had changed from being a public company to being a company privately owned by Publishing and Broadcasting Ltd (PBL) and the Packer family.

The commission felt that it had done a full review at that stage and that it was time to have a look at Crown's suitability to continue holding the casino licence. Crown was interested in being involved in a discussion as well, because it had requested that the commission consider removing the single-purpose restriction that had been put in place so that the name 'Crown' could be used only on Crown Casino in Melbourne for the time it was there. This seemed to be an opportunity for both the commission and the casino to get together and speak about varying the casino agreement.

I would like to thank the gaming commissioners and the senior Crown executives for their assistance in briefing me and other members of the Liberal Party on the bill. Although it is only a small one it allows the Victorian Commission for Gambling Regulation to extend the term for reviewing Crown Casino from three to five years, but it also allows the commission to investigate two additional matters to ensure that the operators are fit and proper people to hold the casino licence and that the casino is run to the highest possible standards. I understand that this will initially be for five years, with two three-year extensions if Crown desires them.

We are all acutely aware that Crown Casino is one of the best casinos in the world. It was rated no. 1, although it might be no. 3 now, just because new casinos have been built in other places in the world. I am assured that the people at Crown want to return it to its no. 1 position not only because of the high rollers who come into the casino from overseas but also because of the other 40 000 people who wish to go to the casino on a daily basis.

The Kennett government ensured that Crown stayed one of the best casinos in the world through strict controls over and supervision of the operators, the facilities and the staff. The Kennett government worked extremely hard to ensure those proper standards were met, and it did so under extreme provocation from the Labor Party, which saw fit to continually chastise it.

Under this legislation the name 'Crown' can be used in other areas. Maybe PBL, which is the current owner, could be looking to use the name on other casinos in Australia or overseas, but I would just caution the operators to ensure that they do not put the name 'Crown' on second-rate casinos, as we have casinos in Australia that are second rate and do not come anywhere near the standards set by Crown Casino here in Melbourne.

This legislation also ensures that the next review will be completed not more than five years out from the last review, which as I said before was carried out, along with the report that was put forward, in June 2003. Such reviews are extremely comprehensive and investigate all manner of issues to do with the casino's operations and the owners. The terms of reference of the previous reviews were supported by the state's Auditor-General, so the reviews were undertaken to the highest standard. Some of the things that are looked at include commercial compliance. That is investigated to ensure that the casino is run properly and that the owners are fit and proper people to run it.

The reviews also examine the financial and commercial aspects of the casino's operations to ensure there is nothing that could damage the public's confidence and trust in their credibility, integrity, honesty and stability. Crown's and PBL's corporate governance policies and procedures are looked at. There are investigations by the Australian Securities and Investments Commission and the Australian Stock Exchange. They look at Crown's actual financial performance against the projections, Crown's and PBL's actual and projected levels of indebtedness, and PBL's relationship with its banking syndicate.

All manner of other things are looked at by the people conducting the reviews. They look at comparisons with other casinos around the world. They look at the operational compliance of the casino to ensure that the proper reviews are in place internally as well as externally. They look at the management expertise of the people running the company, as well as their business ability. They look at the management of the infrastructure to ensure that it is maintained and run to a high standard.

With regard to international comparisons, the people from the gambling commission — I think it was the Casino Control Authority at that stage — looked at casinos around the world and talked to their top executives to ensure that what was being done in Melbourne was being done properly. I must say it would have been nice to have had a job travelling around the world and going to some of the casinos that those people

went to. I am sure they worked extremely hard when they visited the Foxwood, Monaghan, Sun, Mandalay Bay, Harrah's, Rio, Bellagio, and MGM Grand casinos in Las Vegas, as well as the New York-New York, Paris and Caesar's Palace casinos, also in Las Vegas. They really got around! I do not know how they did it, but they also went to the Sky City Casino in Auckland, which must have been a bit of a downer for the poor people involved.

As I said, the reviews look at everything to ensure all is going well. Crown got the nod, the previous review saying:

> … Crown had effectively, efficiently and fairly conducted the operation of a major casino since commencing operations in 1994. The authority was also satisfied that the manner of operation had engendered the necessary public confidence.

On the suitability of Crown the review said:

> After a comprehensive probity investigation, the authority is satisfied with the probity of Crown.

So the review gave Crown the thumbs up and said it was doing the right thing. It is now run by a private company which is not required to provide the same information that a public company must provide; but Crown has agreed to provide all the information that the commissioners would like to see, whatever that may be. That information will allow a proper review to be undertaken.

The government cannot help crowing a little about the great things it has done in regard to this casino. In a press release it said that Crown Casino and the government had agreed that Crown must:

> … spend at least $170 million on the Melbourne casino complex over the next five years to maintain the value of the state asset.

You would think that Crown would spend at least that amount of money on keeping the casino up to a really good standard. As I said, it is trying to get back to being the no. 1 casino facility in the world. The government also said in the press release that:

> Crown has also agreed to make an annual investment of $5 million to market the casino in Melbourne as a tourist destination, through a memorandum of understanding with Tourism Victoria.

Of course the minister would be delighted with that, because that is $5 million he will not have to take out of his budget to give to Tourism Victoria so it can promote Melbourne — and of course it will have all the say on what is done and how the campaign will be run. I am not sure that that is a big win by the government; I think it may well be getting on the bandwagon of whatever Crown was doing anyhow in the way it went out and promoted the Melbourne casino. You have to ask what the government has got out of it. I would say it has got very little that it can crow about, but obviously Crown is in a position where it can.

Schedule 9 to the bill ratifies the eighth deed of variation to the management agreement, which is a change I have already spoken about. That will enable the casino to use the name 'Crown' wherever it wishes to use it and ensure that 'Crown' is used properly. Definitions 3(a)(i) and (ii) of schedule 9 relate to the deed of undertaking and guarantee and the supplemental casino agreement. At a briefing with the government people this morning I found out that the deed of undertaking and guarantee is between Crown, Publishing and Broadcasting Ltd and other PBL entities, the Victorian Commission for Gambling Regulation and the state. Under this deed PBL and the listed PBL entities guarantee Crown's obligations to the state and the commission under the other transaction documents, such as the casino agreement, the site lease and so forth. All of those things are being put in place with this new bill.

The supplemental — which is a strange word, but nevertheless — casino agreement is between the commission, Crown and PBL. Under this agreement PBL makes certain warranties and gives undertakings that it will also comply with the obligations that apply to Crown under the casino agreement. Both of these documents were entered into by PBL when PBL acquired Crown in 1999. I understand that those agreements, guarantees and undertakings are all commercial in confidence, and I respect that confidentiality.

When I first looked at the bill I thought, 'What if it were the Kennett government that introduced this casino control bill, and what would have been the reaction of the Labor members who would have been sitting on the other side of the chamber?'. I am sure we would have heard from a couple of people in here, one being the Attorney-General and the other being the Treasurer, who were the worst purveyors of hate you could possibly imagine. It was spat out against the Kennett government for its involvement in setting up, as I said, probably the best casino in the world and having the ingenuity and integrity to carry that out over a long period of time and have it set in place.

Of course there was criticism of the Kennett government about supposed corruption by Jeff's mates — which was all done by a couple of people from the now government benches — which I always found deplorable. I wonder what happened to the royal

commission? Do members remember the royal commission that this government was going to look at when it came in? How long did it run on the royal commission? How many years did it run on having a royal commission to look at what dastardly deeds were done under the Kennett government with the casino? When it got to having the chance to snoop around and look in the books, it disappeared off the scene. It was just not there; it was a case of, 'Royal commission? What royal commission? What are you talking about? Everything is hunky-dory. We are in charge now, so everything is just fine'.

We heard the Treasurer and the Attorney-General bleat about it for so long that it made all of us on our side of the chamber feel sick. The hypocrites now sit on the government benches. The Treasurer is Victoria's worst problem gambler; he always talks about problems with gambling, but he takes the money. Why not? He is the winner; he cannot lose. And of course we have the other problem gamblers who are feeding the Treasurer's desire for gambling. They cannot win. They are the losers, and they cannot win. But that does not matter to the Treasurer, who is hooked on there being gambling at the pokies and now also at the casino. We see from this year's budget that the Treasurer is sitting back happily in his Treasury Place office thinking, 'This is all right; we will pick up $113.5 million from the casino in this coming year'.

An honourable member — How much?

Mr SMITH — It will be $113.5 million. That is not chicken feed. He loves them; he will do anything. If Kerry asks him, he is happy to do anything and fall into line. That is fine; we are not objecting to this bill. But it just has to be remembered that he is the one who is hooked on gambling; he is the one who now desires to get as much out of it as he possibly can.

The Attorney-General also wanted to be involved in all of this business. He also was behind the royal commission talk, but he is slowly but surely taking the gambling portfolio under his control over there in the justice department. He now pulls the strings and poor old John Pandazopoulos, the gaming minister, is now a lame duck minister. I feel very sorry for the Minister for Gaming, because he seems to work hard at what he does, but of course the Attorney-General is sitting back — —

Mr Cooper interjected.

Mr SMITH — Yes. We could question the motives of the current Attorney-General in introducing this legislation after his comments on 8 April 1997 in this house about the casino operator, Kerry Packer. He must be okay now, because at that stage the Attorney-General questioned Mr Packer's integrity and his fitness to run the casinos in both Melbourne and Sydney. I can only say that those on the other side of the chamber are a pack of hypocrites for pushing through this sort of legislation after they had condemned the former government and called for royal commissions. Here they are now sitting back and saying, 'Let's push this through. This will be good for Kerry. This will be good for Victoria. We have done a deal, we will get money out of it for Victoria, so we are happy for this to go ahead'.

Probity checks are important — and we should know that because we introduced them. We were the ones who put the probity checks in place; we were the ones who did them and did them properly.

Mr Mildenhall interjected.

Mr SMITH — I'm sorry, we were the ones who put the probity checks in place. We were the ones who made the casino and gaming regime here in Victoria secure and clean, and we ensured that it was run properly. You people on the other side of the chamber — of course through you, Acting Speaker — have just come in on a wave and picked up all the money, taking none of the responsibility for gaming in this place. The Kennett government made our state the cleanest gaming state in Australia, and probably the world.

Members should think about what we actually achieved in that period of time — yet you lot opposite whinged and carried on about it. I cannot believe it. We always had you as an opposition — and the member for Footscray was part of it. He was bad. He whinged and complained like the rest of them did. He always found fault.

Mr Cooper — He is still complaining.

Mr SMITH — He never let the truth stand in the way of a good corruption lie that he peddled in this Parliament, and now he sits back and counts the money that comes from a very clean industry brought about by the integrity and the perseverance of the Kennett government.

We support this legislation. We trust it will ensure that here in Victoria we will continue to have a viable, clean casino that remains a world leader. If any of the legislation that is now being passed helps a little with that, we are pleased to support it.

Mr RYAN (Leader of The Nationals) — It is a pleasure to join the debate on this important legislation. I must say, 5 minutes before the dinner break, that I cannot help but also reflect upon some days gone by. My mind goes back to those seven years of enlightenment, when the former government occupied benches to the right hand of the Speaker. I had the dubious pleasure of following the then opposition spokesman on gaming, none other than the present Attorney-General.

It was a dubious pleasure in the sense that I sat in this house for hour upon hour upon hour, listening to the diatribe he produced in circumstances where the former government did not impose any of the time limits that have since been imposed by this government, including by the Attorney-General. For hours I would listen — although I use the term in the loosest sense — to the constant defamation which was poured upon Ron Walker, Lloyd Williams and anybody and everybody else remotely connected with the development of the Melbourne casino.

When this government won office, or was handed office, in 1999 one of the first moves by the Premier was to change the person in the role of Minister for Gaming. Suffice it to say you do not beat up the goose that is laying a very handsome annual golden egg. The Premier well knew that the prospect of leaving the Attorney-General in a position where he would be dealing with those whom he had been consistently defaming for a period of years was not a good look on behalf of the government. So there was a sideways shift of some proportions — some might say it was a seismic shift of some proportions!

It really does add to the irony of these pieces of legislation when they pass through the house because we now know that this extraordinarily important investment for Victoria has contributed an enormous amount to this state over the years in a variety of ways; and it continues to do so. It also begs the question that one cannot help but wonder what happened to the promised royal commission which the Labor Party, particularly Mr Hulls and a few others, referred to ad nauseam prior to the change of government in 1999.

When they got hold of the documents and had a look at the facts, and were forced to face up to what was the case as opposed to their fantasy view of what it was supposed to have been, it became a case of, 'No appearance, Your Worship'. They ducked it. The royal commission which had been fervently promised over a period of years went the same way as the promise on the maximum uniform tariff, that that would be installed — —

Mr Cooper — Ambulances.

Mr RYAN — And the ambulance inquiry. The ambulance inquiry is not a good analogy, because the government proceeded with that, and $88 million later that one also hit the wall, but at least in the context of this conversation they did proceed with it — even though it cost the taxpayers a fortune and got nowhere.

Suffice to say that when these debates come on, the government of the day, the Labor Party, must absolutely grit its teeth at the prospect of all of this history being re-run. I have no doubt that the presence at the moment within the Parliament of government members is a good indication of how much they enjoy these debates: only 4 members of the 62 government members are in the chamber at present.

Mr Mildenhall — It's a measure of your entertainment value.

Mr RYAN — No, I refute the allegation that the paucity of numbers has anything to do with the fact that I am on my feet.

These are important issues to reflect upon, because I think a very good lesson to the Labor Party was that you have to be very careful before you get out there, besmirch and defame people in the way Labor opposition members did so consistently over a period of years, in a circumstance where history would say they were wrong, and of course where the fact is that this government is now very dependent upon the fortunes of Melbourne casino and its future operations. It is to those matters that I will return upon the resumption of debate after the dinner adjournment, Acting Speaker.

Sitting suspended 6.30 p.m. until 8.01 p.m.

Mr RYAN — I return to the casino legislation. There are two primary pieces of legislation which control the operation of the casino in Victoria. Those are the Casino Control Act 1991 and the Casino Management Agreement Act 1993. The sequence of events giving rise to the legislation is interesting. Of course the former government had determined, as part of its policy, that there would be a casino able to operate in Victoria, and that gave rise to the Casino Control Act 1991. That act essentially set the mechanisms whereby casinos could be established and operated in the state. It was not until 1993 that the Casino Management Agreement Act was actually passed by the Parliament, and that happened in circumstances where there had been negotiations between a variety of parties, after which eventually two of the parties tendered to be the operator.

Ultimately Crown, through its management organisation at the time, was chosen as the operator in this state. In clause 3 of schedule 1 to the agreement that was struck between the government of the day and the Crown Casino Ltd there appeared a provision which said that following satisfaction or the waiver of the conditions in other clauses as were referred to various things would have to happen. One of those things, in clause 3.2(a), was that the government of the day was to:

> … introduce and sponsor in the Parliament of Victoria a bill to ratify this document —

namely, the agreement —

> and endeavour to secure its passage as an act prior to 31 December 1993 …

That materialised in the form of the Casino Management Agreement Act 1993. If you have regard to section 6 of that act, you see that the agreement as is appended to the act is ratified and takes effect as if it had been enacted in this act.

What that all means is that the original agreement between the government of the day and Crown was able to be ratified and that instead of that agreement having to be recited chapter and verse in an act of Parliament it was appended to the Casino Management Agreement Act 1993. If members are interested in following the processes leading to the bill now before the house, the best thing they could do is to pick up the Casino Management Agreement Act 1993 and have regard to its terms, particularly the schedules, because what the primary act, the Casino Management Agreement Act 1993, does is engage a system whereby if there is a variation in the original 1993 agreement that has to be the subject of an act of Parliament. It therefore must pass through this place, and so it is that we have the bill that is before us.

This is the Casino Control (Amendment) Bill 2005, and appended to it is the eighth deed of variation to the original agreement which was struck in 1993. Under schedule 1 of the 1993 legislation, there appear within the definition provisions reference to 'transaction document'. Under that heading the house will see that:

> "Transaction document" means each of this document, the Casino Agreement, the Casino Licence, the Site Lease, the Temporary Casino Leases —

and so on. In effect, the bill represents another variation to the original casino agreement, as is referred to in that transaction document. It is a rather convoluted chain of events, but that is the sequence that has given rise to this legislation. I am indebted to the advisers who have been able to give me some assistance in tracking all of that down.

The bill has two essential tasks, the first being to amend the Casino Control Act 1991. This bill basically deals with the way in which the principle behind the operation of casinos in Victoria is accommodated. What is intended by this legislation is that whereas there was originally to be a review period of three years for the licence for any casino, that is now being stretched to five years. The rationale behind that is that all the parties — namely, the government and Publishing and Broadcasting Ltd (PBL), as the group that owns the casino here in Melbourne, plus the commission in Victoria — agree that three years is simply too short a period for a review to be conducted. It just is not necessary.

As the house well knows, we only have one casino in Melbourne, and I venture to suggest that such will remain the case for a long time to come. The three parties to the general operation of the casino have had discussions and have agreed that a review of five years is appropriate.

As a matter of practicality they have also agreed that although a change will be made to the legislation to that general effect, the current casino operator is not going to be required to be reviewed in any shorter period. That provision will take its place in the 1991 act. I think everybody accepts that that is a sensible thing to do.

There are variations to the transaction documents, and I have just read out the reference to them. There is reference to those in clause 3 of the amendments insofar as they relate to the Casino Control Act 1991. There are also references in other provisions, particularly clause 4 of the bill which deals with the functions of the commission. Those functions are now to include an examination of the matters relevant to the future operation of the casino under this new five-year regime, but on a basis of expanded aspects to be taken into account. Again, they are matters that are supported by The Nationals.

Clause 6 inserts proposed section 170, which includes transitional provisions. That proposed section effectively means there will not need to be a review of the current casino operation for the next five years. Again, that is something we support. In essence, the originating act of 1991 has been amended in part and The Nationals accept that these are sensible arrangements in relation to the operation of the casino here in Melbourne. That is all within part 2 of the bill.

Part 3 of the bill contains the amendments to the Casino (Management Agreement) Act 1993. That is the piece of legislation which was dedicated and directed specifically to the Melbourne casino as we know it. These provisions give legislative imprimatur to the agreements which have been struck between PBL, the commission and the government to ensure that the initiatives Crown wants to introduce are able to be given effect and are reflected in the agreements being ratified by the terms of this bill.

The various things that are going to be done under this legislation are very constructive. From the perspective of the operator the first thing that is going to happen is the single purpose restriction contained in the original agreement will be abolished. That is a very positive move. The casino is now vastly different in its general operation to what it was back in 1993 or thereabouts when it first opened. It has international appeal and it intends to present itself to a market across the globe. The operators of the casino are involved in various associated functions and activities so it was felt the single purpose provision should properly be abrogated and that is what is happening. As part of that process agreements have been reached which will mean that the casino can give effect to the expanded operations to which it has long aspired.

There will be major capital expenditure at the casino to the tune of $170 million. That will mean not only that the facilities are brought up to speed and to world best practice but that by definition the facility will be able to be presented to a very competitive worldwide market in a way that will ensure it can keep its place. I regard that as a constructive step on behalf of the operators of the casino. It must be remembered that something of the order of 40 000 people patronise the casino and its surrounds each day. By any measure it is an enormously important aspect of the tourism industry here in Victoria. This expenditure by the operator is very much welcomed by The Nationals.

Various other improvements and alterations are intended to be made to the existing arrangements. Those matters comprise the eighth deed of variation to the casino management agreement under the principal act of 1993. As is required by legislation, that eighth deed of variation forms schedule 9 of the originating act and appears in the bill being discussed this evening. It is there and available for anybody to consider. This is another ongoing element of a process that started back in 1993.

The Nationals support this legislation. As I said at the outset, this is an opportunity to reflect on the fact that the former government took a chance and was prepared to support an initiative which drew enormous criticism from the Labor Party, the then opposition. The decision was the subject of incessant defamatory comment from the present Attorney-General in his then role of opposition gaming spokesman. It has proven to be a huge success and to this day it continues to offer enormous benefit to this government — to the tune of, according to the forward estimates in the budget papers, $113.5 million this year. We are pleased to support this legislation and wish it a speedy passage.

Mr MILDENHALL (Footscray) — It is a pleasure to speak on this bill, which is typical Bracks government legislation. It is strong, it comes about as a result of careful negotiation and consideration with those affected, and it is consistent with our themes of greater transparency, accountability and sense of the public obligation of the gaming industry.

The details of the bill were reasonably well described by the opposition speakers until the predictable lapses of concentration set in and they started to succumb to that temptation that is frequently observed in this house — that is, of desperately trying to rewrite history. They want to rewrite the history of the phone calls from Lloyd Williams when he wanted something. Their answer was, 'Sure, Lloyd, whatever you want. It is open slather'. The gaming policy of the Kennett government was laissez faire: what Lloyd wanted, Lloyd got. Talk to anyone in the gaming industry about the level of regulation and control in the industry in the early 1990s compared to now, and they will remark freely about the dramatic change in culture to what is a regulation culture that has now been imposed.

This is good legislation. It requires a much greater level of transparency in the casino agreement and licence arrangements. It also places on Crown Casino and its parent companies a level of financial expenditure on upgrading and maintenance of the facility to international best practice. In the face of competition and other acquisitions by Publishing and Broadcasting Limited (PBL) — for instance, of the Burswood International Resort Casino in Western Australia — it requires that the international headquarters for PBL's gaming operations remain in Victoria.

It also requires an expenditure of some $5 million per annum on marketing in a way that is complementary to our tourism promotion and marketing of Melbourne and Victoria as destinations. It also requires not only quite a lengthy and detailed review process, albeit on a slightly more elongated time frame of up to five years rather than three years, but a level of reporting that is a quantum leap, a seismic shift from the far more flimsy

reporting requirements that previously existed. That is all to the good.

This government is serious about regulating the gaming industry and about substantial negotiations with gaming operators. Look back to recent history — for instance, when Crown made the decision, based on reasonable market analysis, not to proceed with construction of the lyric theatre. As a result of discussions with the government, Crown was released from the obligation in exchange for a contribution of some $18 million to an alternative theatre facility, now manifested in the form of the recital hall and home for the Melbourne Theatre Company. Planning is well under way for that in the arts centre precinct.

That came about as a result of a very serious set of negotiations and discussions with Crown. But it was only a matter of hours after the outcomes of those discussions and negotiations became public that the former Premier Mr Kennett went on radio and said, 'We would have let you off that altogether; we would not have required you to build that lyric theatre. We would have let you off that obligation'. No money, no exchange, no further correspondence needed to be entered into. If there were ever a more dramatic example of the contrast in attitude of different governments I do not know of one, but there are certainly 18 million good reasons why Victorians have preferred the Bracks government's negotiations with Crown over the laissez-faire, anything goes, 'Sure, Lloyd, if you want it you can get it' attitude of the Kennett government.

This is strong legislation, as the sensible contributions of the opposition speakers have said, and it enables, requires and encourages — in fact provides the incentives — for Crown Casino to reassume its position as one of the pre-eminent entertainment complexes in the world, and certainly from the perspective of my electorate, I encourage Crown to continue its highlighting of the entertainment components and features of its complex over that of its identity as purely a gaming venue. There is no denying some of the impacts caused by the gaming component of Crown on the cultural and demographic make-up of my electorate, and to the extent that the high-quality, comprehensive and well-used and broader entertainment components are promoted, that is certainly something to be desired in the electorate.

There is however, no denying the impact that Crown with all its components has as a tourism icon, an attractor and a venue that churns through tens of thousands of people each day. This assists the tourism industry, the hospitality industry and the accommodation industry in Victoria and provides a wide range of opportunities for visitors to our city.

Some of the new requirements that Crown will be required to meet under this bill include providing explicit information to the commission of such components of any changes to the composition of Crown's audit and compliance committees; the agenda and minutes of each meeting of Crown's audit and compliance committees; a copy of the compliance program; the internal audit program and report; the external audit report; details of the purpose and the terms of any investment or advance of more than 10 per cent of the company's total assets to an existing or new related body corporate; quarterly and annual financial statements for each entity controlled by Crown; detailed financial statements including any information required under the Corporations Act 2001; the annual budget; the audited accounts and a report on the capital expenditure program.

That is a far greater obligation than the one that previously existed, which was limited to any information it was also required to provide to the stock exchange, any information necessary to enable the commission to make an assessment of the financial position, a quarterly financial report and a copy of any notice or information given to or received from the Australian Securities and Investments Commission. So you can see that there is a quantum difference between these reporting requirements. In return the government will allow the use of the Crown name for other products, but that again will be under certain conditions. All in all this is balanced legislation. It is trademark Bracks government legislation and — —

The ACTING SPEAKER (Mr Delahunty) — Order! The member's time has expired.

Mr COOPER (Mornington) — It is always a pleasure to follow the member for Footscray. He gives me so much extra stuff to speak about. Regrettably I only have 10 minutes, because I can usually spend quite a bit of time talking about the things that the member for Footscray has spoken about and usually misrepresented on his way through.

As the member for Bass said in speaking for the Liberal Party this is an uncontroversial bill, because it is a bill that the opposition supports. It makes four changes to the existing legislation which the member for Bass very clearly and excellently set out, and they are matters which I note the member for Footscray said add to the ability of the commission to further regulate the casino, and that in itself is a very good thing. The casino industry, not just in Victoria but right throughout

Australia, believes that it is overregulated. It has made that quite clear on many occasions, but of course people in this place and in parliaments elsewhere throughout this country would say that the casino industry is not overregulated at all.

Those who have taken some time to visit casinos elsewhere in the world, particularly in Asia, will know the sorts of things that can go on in casinos. If you are a person who understands how casinos operate, you can certainly see some dodgy things going on in some casinos in Asia, and I have in years gone by, on a couple of visits to Macau, seen how things are done there, particularly at the gaming tables, and that just would not be tolerated here in Victoria — indeed would not be tolerated anywhere in Australia. So when the industry claims that it is overregulated we can probably take some solace from the fact that in making that complaint we have probably just about got it right here in this country.

If ever there was an industry where regulation was needed it would be the casino industry, because without that regulation and control very nasty things start to crop up, not the least of which is criminal activity, particularly money laundering, and other things. In saying that, I do not believe — in fact I am sure — that does not go on in any casino here in Australia, and certainly Victorians should be very proud of the fact that they have got not only the biggest casino in Australia in Crown but they have also got the best.

Recently I was with the Drugs and Crime Prevention Committee in Brisbane and for the first time visited the Brisbane casino to have a look around. I tried to have a meal there. The meal facilities were less than pleasant, and the casino does not have the best of facilities.

It is interesting to look at the size of casinos in Australia. In the report of the Productivity Commission inquiry into Australia's gambling industries in November 1999 there is a table in the third volume which gives a snapshot of Australia's casinos, and it shows that nothing has really changed in terms of size since this was done. Crown Casino, being the biggest, has 2500 electronic gaming machines and 330 gaming tables. There is probably a bit of an argument about which is the smallest. Lasseters Casino has 205 gaming machines and 21 gaming tables. The Canberra casino does not have any electronic gaming machines — God bless them for making a good decision like that — but it does have 39 gaming tables.

The Country Club Casino in Launceston has 440 machines and 12 tables and Wrest Point Casino in Hobart has 659 machines and 18 tables. There is a variation in size from the biggest being Crown, which is significantly bigger than Star City in Sydney, down to the small casinos in the Australian Capital Territory and Tasmania. We have something, as the member for Footscray said, that is more than just gaming. The Crown entertainment complex as it likes to be known contains a casino but there is also a magnificent array of restaurants, entertainment facilities, theatres and their huge major ballroom where I have been on a number of occasions.

Mr Smith interjected.

Mr COOPER — It is the Palladium ballroom as the member for Bass reminds me. It is a total complex of which Victorians can be proud. Having stayed at the hotel three times, I can say it is not only the best hotel in terms of facilities in Victoria but in Australia.

This bill further deals with the regulation and control of the casino aspect of the Crown Casino entertainment complex and therefore the opposition welcomes and supports it — —

The ACTING SPEAKER (Mr Delahunty) — Order! Could we have the microphone switched on for the member for Mornington?

Mr COOPER — I learnt when I was first in this place that you should project your voice and not mumble like so many speakers do, so Hansard does not need to have me microphoned up to hear me. Nevertheless, it is pleasant that I am, because my words will be carried throughout the rest of the building and I am sure everybody will be hanging off the walls listening to me with interest.

I join with the member for Bass and the Leader of The Nationals in reflecting back on those days when the Labor Party was so keen to criticise everything that was done by the Kennett government. In preparing for this debate I turned up a Labor Party policy of 1999 which was called 'Responsible gaming'. It was put out under the signature of the then shadow Minister for Gaming, the now Attorney-General. I want to quote a couple of things from it, because I know the member for Bass used the words 'hypocrites' and 'hypocrisy' quite freely in talking about this. I nodded in sympathy and support when he used those words. Under the heading 'Dependence on the gambling dollar' the policy states:

> Revenue from gaming and the casino has formed an increasing proportion of state budget income. While this situation is allowed to continue either by the conscious choice of the state government or because of the inadequacy of the state's revenue base, government is compromised in its role as the responsible regulator of the gambling industry.

I have to point out that this government is not just wedded but welded to the gambling dollar. A total of $1.4 billion alone comes to the government in the form of its take from gaming machines, let alone what comes from the casino itself. I too have to say what a piece of hypocrisy that 1999 policy was — but it has been happily forgotten since the Labor Party came into government.

Under a heading 'The Community Support Fund and problem gambling', the policy contains this classic sentence:

> Labor will reform the Community Support Fund to ensure that problem gambling programs receive higher priority and that communities affected by gaming are adequately compensated.

We all know what has happened with that. This government has simply walked away from that commitment because, as I said, it is not only wedded to the gambling dollar in this state, it is now welded to it irrevocably. It does not care what happens to problem gamblers. It does not care what happens to its policy of 1999. It simply does not care about anything other than the almighty dollar that is coming to it through gambling in this state.

While we welcome this bill because it improves the way in which the casino can be regulated and controlled, we again draw to the attention of the people of Victoria the fact that in regard to gambling and gaming this government is nothing more than, as the member for Bass said, a pack of hypocrites.

Mr PERERA (Cranbourne) — I rise to speak in favour of this bill. As previous speakers have pointed out, this bill amends the Casino Control Act 1991 and the Casino (Management) Act 1993 to implement part of the package agreement between the Minister for Gaming, the Victorian Commission for Gambling Regulation, Crown Ltd, and Crown's parent company, Publishing and Broadcasting Ltd (PBL).

The casino agreement sets out many of the licence conditions that apply to the operation of the Melbourne Crown Casino. Things need to change with time, and in my view the passage of this bill is inevitable to gain the continuous growth in the gaming industry in general and particularly the operations of Crown for the benefit of the Victorian economy.

Single-purpose restrictions in the legislation prohibit Crown from undertaking any business other than the operation of the Melbourne casino. The restriction was designed to protect the interests of the state during the development and construction phase of the Melbourne casino. At the time the government wanted the restriction in place to stop any potential risk of the casino operator losing financial viability through being distracted by other business propositions. Involvement in other business ventures would have affected the casino operator's ability to build and operate the casino to the level that it is at today.

Crown is one of the largest and most diverse entertainment resorts of its kind in the world and is the largest casino in the Southern Hemisphere. Crown is the no. 1 tourist destination in Victoria, attracting over 15 million visitors a year. Crown is the biggest single-site VIP gaming operation in the world. Now it is time to remove this restriction and allow Crown to compete in the interstate and international gaming market, for which Crown certainly has the potential.

Crown has a reputation throughout Asia as the world service leader for VIP clients, with facilities including Crown's luxury hotel, spa, international standard shopping, access to the private Capital Golf Club, Crown's corporate jet et cetera.

With this amendment Crown can operate effectively in the emerging new markets and maintain its high-roller market without losing it to other casino operators. However, this does not issue a blank cheque to Crown to automatically expand its operations at the Melbourne casino or to establish a second casino in Victoria. The Bracks government cares about problem gambling. Therefore in no way will the arrangement increase the risk of problem gambling.

In having the restriction lifted, Crown's parent company, PBL, has agreed to continue to manage the Crown business from Melbourne and locate the headquarters of PBL's international gaming business in Melbourne for the next five years, thereby ensuring that Melbourne is the flagship of PBL's Australian gaming operation.

Crown will spend $170 million on the Melbourne Crown Casino complex over the next five years to make it a world-class facility not just for casino patrons but also for families to enjoy other recreational activities. How good is that for the Victorian economy? It will create more jobs for Victorians. When PBL operates its headquarters for five years as a profitable venture in Victoria the likelihood of it moving its operational head office is very slim.

One of the big winners of the new arrangement is the tourism industry in Victoria. Crown has agreed to sign a memorandum of understanding to make an annual investment of $5 million to market the casino and

Melbourne as a tourist destination. This will certainly increase visitation to Victoria, thereby boosting the local economy. The bill will also increase the accountability and transparency measures by introducing a more stringent regulatory framework.

The bill extends the time period for the rigorous periodic review of the casino operator's suitability from not later than every three years to not later than five years. This gives Crown the opportunity to be involved in its business rather than in preparing for the review for five years. The review can still be conducted over a shorter interval if the commission considers it necessary to do so. This is an important bill for the Victorian gaming industry because it puts an historic agreement into place. I commend the bill to the house.

Mr TREZISE (Geelong) — I also rise to speak in support of the Casino Control (Amendment) Bill. I do so in the full knowledge that as a circumstance of this bill the independent gaming regulator — that is, the Victorian Commission for Gambling Regulation (VCGR) — will be able to be more rigorous and probing in scrutinising the operations of Crown Casino than it has in the past.

As a result of this bill Crown Casino will also be responsible for the greater disclosure of its operations. In other words, as a result of this bill the operations of Crown Casino will be far more transparent and more subject to scrutiny than they have ever been in the past. As such this bill is another indication of the Bracks government's commitment to ensuring that the state of Victoria has a responsible and rigorously regulated gaming industry. It builds on previous initiatives of the Bracks government under the very good Minister for Gaming, who is at the table, in regulating the industry for the benefit of all Victorians, especially those Victorians who are vulnerable to the perils of gambling. The initiatives include restrictions on automatic teller machines (ATMs) in gaming complexes, requiring the display of clocks, smoking regulations and warnings on machines — and the list goes on. In short, this bill, through a more rigorous scrutiny procedure, builds on the previous initiatives of this government.

As members of this house are aware, the genesis of this bill was a request by the VCGR to renegotiate the terms of the casino's agreement following the last review. The review was agreed to by Crown Casino, importantly, and also by the government. All parties are looking to improve or update the agreement that was originally put in place when the licence was awarded. In agreeing to the review, all parties are seeking to improve their relative positions. As has also been mentioned by most speakers, in supporting the review Crown sought the removal of the single-purpose restriction, which was originally put in place when the casino was built and there was a need to protect the interests of the state. This restriction is now serving no purpose and in fact restricts Crown Casino's capacity to compete with other casinos in Australia — and probably more importantly, internationally.

As all in this house are aware, Crown Casino is competing in an international market, and in doing so it brings many international tourists — all well cashed up — to Melbourne; I am not too sure how well cashed up they are when they leave. Those tourists bring obvious benefits not only to the casino but also to hotels, restaurants, other players in the hospitality industry and retail outlets — the list goes on — which in turn creates employment for Victorians, especially young job seekers looking to enter the job market. Another benefit that has come out of the review is the requirement for Crown to spend at least $170 million over the next five years on doing up the casino facility. The complex itself is owned by the state, and improvements to the facility in the coming five years of more than $170 million will ensure that the state's asset will retain, if not increase, its value.

As I have indicated, I think the most important benefit from this bill will be the ability of the VCGR to more closely scrutinise the operations of the casino. In enabling this the bill increases the matters that the commission for gambling regulation must take into account when conducting its review of the casino. The VCGR will take into account numerous key considerations that have been touched on in other contributions to the house. I am the last speaker, so I will tie things up there by saying that I support this important bill. I congratulate the Minister for Gaming on a further initiative to regulate the gaming industry, and I wish the bill a speedy passage.

Mr PANDAZOPOULOS (Minister for Gaming) — I thank the members who have contributed to the debate — the member for Bass, the Leader of The Nationals and the members for Footscray, Mornington, Cranbourne and Geelong. It has certainly been a very important debate in the evolution of casino regulation and management here in Victoria.

A number of speakers, particularly the lead speakers, made references to the history of the matter and about government members, when in opposition, calling for royal commissions. I ask those speakers to go and have a look at the policy. What we said was that we were going to review all the contracts, and the Crown Casino contract was part of that review. A commission of audit reviewed those contracts and actually recommended the

release of the licences and greater transparency for Crown Casino, which is exactly what this bill is all about.

In terms of its formation the casino was set up as an international casino, and I think history will say that that was the right decision. If you are going to have a casino, you should have a casino of a world-class standard that focuses on the international tourist market and not entirely on the domestic marketplace and that becomes an entertainment complex with a choice of entertainment options, of which gambling is one. Certainly in terms of its licence, originally the casino was focused on being an international casino.

During the licence period after the casino was first allowed, the Casino Control Act appropriately provided for a review of the agreement. It is done, of course, by agreement. It is not something that can be imposed by government. It is an agreement that requires the cooperation and agreement of all parties — the government, the VCGR and Crown and its owner, Publishing and Broadcasting Ltd (PBL).

It is appropriate that you review it, because when the original casino agreement was made the focus was on two things. One was getting the thing built. The single-purpose restriction that was part of the licence simply meant that the operators would not be looking to expand and create other casinos, taking their attention away from building an international class casino. Also, the environment at the time was one of great fear regarding the increase in gambling, including a fear that organised crime would become involved in casinos and that there would be a lot of money laundering. Time has shown that we are very tight regulators. Australia, particularly Victoria, has a very clean gambling industry. From a regulation point of view, overseas jurisdictions look at us and say that we are the aspirational model they should have.

It is probably fair to say that at that time there was a bit of unnecessary over-regulation because of that fear. It is important to reflect on that, and some speakers have commented on it. Some of the elements of the agreement under the act remove unnecessary impediments on the casino business, because we now have a longer history of experience and can be satisfied and confident about the regulation.

Also, under the agreement there is now a greater level of transparency. Not only are the new agreement and licence made available publicly, but the regulator has a wider range of information accessible and available to it, as of right, to allow it to do its job of monitoring the casino from the point of view of probity and fairness. Some of the impediments have been removed because of the greater level of transparency allowed by Crown and the owner, PBL; but it is really about the existence of a greater sense of confidence in the business. As a result, this change to the Casino Control Act will mean that the regulator, rather than being required to review the licence every three years, will be able to review it up to every five years, which is only reasonable. Like the previous act, if there is a need to review it earlier for any reason, now that they will have more information made available they will be able to review it at any time. It is a bit of give and take, and it is by agreement. It is certainly a good result for Victoria.

I think the focus in the future when this comes up for review again will be about how we keep this casino as an international, world-class establishment. There is no doubt there will be a lot more competition in our region. Gambling and Australian gambling companies are becoming more international. Publishing and Broadcasting Limited has bought Burswood casino in Western Australia and the single purpose vehicle is restricting the Crown brand. It was not allowed to call anything else 'Crown' but the other part of the business can go and buy the casino, highlighting that the single purpose was not valuable at all. They are looking at Macau, and Tabcorp is looking at Singapore.

The reality is that because of their reputation Australian gaming companies are seen as being very good regulators and business decision-makers with fairer products than maybe some of the other jurisdictions that other members have highlighted. The Australian brands are going to be better known in the region as we increase competition. That is why we have the removal of the single purpose, whereby under the previous agreement Crown could only operate under one name. It is in the public interest that Crown be allowed to operate that brand in other locations.

As part of this agreement the key focus of Crown's international business will be Melbourne, and its headquarters will be in Melbourne. Crown commits to a capital works upgrade — $170 million over five years — on the feel and look of the casino, to keep that fresh look from the capital works point of view. Also we need to understand that they are also preparing a memorandum of understanding with Tourism Victoria to spend at least $5 million each year in international marketing. That makes Crown Casino our biggest single international tourism operator in Victoria.

It is important that we understand and recognise that. Crown pulls in big crowds. It has a very big brand particularly in Asia. But importantly it helps lift our profile. Not only is Crown Towers the best hotel in

Australia but the new Crown Promenade, the four-star hotel that we were involved in getting them to build, is also a great hotel; it is very much loved by international visitors. It is not just pulling in gaming business; it is an entertainment venue in the centre of the city, and Melbourne is a pretty powerful pull for tourists.

I want to thank the Victorian Commission for Gambling Regulation. It started this process in 2003. It is not easy negotiating these sorts of things when there is still a bit of cynicism and residue out there about gambling or about Crown in Victoria. It has done a pretty good job, and I want to thank the commission and Crown for their willingness to work to ensure that the future for a lot of the gambling industry — as we have seen with Tattersalls — is transparency. If you want to have a legal gambling product — the privilege that has been given to you by licence, by government on behalf of the community — the reality is that transparency is an important part of that process.

Some in the opposition may say, 'Been there, done that'. It is very tempting to have a go about revenue dependence and all that. I refer the opposition to an article in the *Australian Financial Review* today that compares states in terms of retail expenditure in the dollar. The state with the highest retail expenditure on gambling is New South Wales, with 7 cents in the dollar. Victoria has the second-lowest of retail expenditure of all the states at 1.7 cents in the dollar, highlighting the trend that we have seen in Victoria, that now Victoria has one of the lowest household expenditure rates on gambling of any state.

Despite a bit of an increase in turnover last year, we still have not reached the peak levels of turnover in gambling expenditure in the state. The changes made by the government are having an effect. But at the end of the day we have a licence; we have got to regulate an industry that is legal. The reality is, as I have said before, people who criticise the gambling industry can conveniently forget that we had a very large illegal gambling industry in the past. The reality is that there were a lot of places that did that. Now we have made it legal and that means it is more accessible — —

Mr Walsh — So are we!

Mr PANDAZOPOULOS — We are talking about a legalised industry compared to the sort of things that were available in some other places. I know people from The Nationals are very destructive, Acting Speaker, but the reality is that in a more accessible or more acceptable industry what comes out into the open is the level of turnover and the problems that are associated with that. We have increased our investment in problem gambling services and despite what the opposition says, all the Community Support Fund dollars go back into community programs.

An honourable member — Rubbish!

Mr PANDAZOPOULOS — They all are audited and certainly under the Gambling Regulation Act the first port of call for the Community Support Fund is problem gambling services and research, so you are getting a lot more and you are getting partnerships. All of us have got more work to do to help reduce the level of problem gambling but we know that a lot of people, like a lot of other addicts that have problems, find it very hard to own up to their problems, and they need a lot of support. The CSF is not only funding the gambling services, it is working in partnership with communities; that is why we have expanded those programs that did not exist in the past. We have partnerships with radio stations like Sport 927, which this morning was talking about problem gambling services because punters on wagering and sports betting also appear as problem gambling statistics — it is not just the pokies and it is not just casino table games.

We have to reach out to build the confidence of people who might be developing problems, to ask the question, 'How much am I prepared to spend and am I spending too much?'. Then if you think you are developing a problem, there are places to go and get help. Some of those might be gambling help services, but others might be community organisations. Some might be religious organisations, because for some that is their first port of call when they have issues or problems. That might be the area in which they have confidence.

We have got to link up — it is not just the funding of problem gambling services on its own but it is how we link up the range of options for people who may be developing problems. I note the member for Bass smirks, but given his own opportunity to look at these sort of things, he would see that this is the area that we all need to go into.

Nonetheless I thank members for contributing to the debate, and I thank all members for supporting the bill. I think this is a good regulation which will ensure that Crown focuses a lot of its attention internationally. It will retain it as one of the best managed and regulated casinos in the world, and also be the main anchor for the PBL gambling businesses.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

PRIMARY INDUSTRIES ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 5 May; motion of Mr CAMERON (Minister for Agriculture).

Dr NAPTHINE (South-West Coast) — The Primary Industries Acts (Amendment) Bill covers a range of amendments to the Prevention of Cruelty to Animals Act, the Domestic (Feral and Nuisance) Animals Act and the Fisheries Act.

Most of these amendments are relatively minor. They are logical and sensible amendments and are not opposed by the Liberal opposition. I will go through the bill clause by clause to cover some of the issues. Because of the omnibus nature of the bill, it is probably better to deal with each of the amendments in turn.

Part 2 of the bill refers to amendments to the Prevention of Cruelty to Animals Act, and clause 3 inserts a new section 12A. To understand this change one has to refer back to section 12 of the Prevention of Cruelty to Animals Act. Section 12 of that act provides that court orders can be made following the conviction of a person for a serious offence under the Prevention of Cruelty to Animals Act, and these orders can include bans, restrictions or limitations on the ownership of animals by the person who has been convicted of a serious offence against that act. Therefore we do have a provision within Victorian legislation so that people who are convicted of serious offences may have certain limitations imposed on the ownership of animals for a period of time. Unfortunately the situation is that if people have similar bans and limitations placed on them interstate, those have no jurisdiction within Victoria.

Clause 3 seeks to remedy that by inserting a new section 12A, which says that if similar orders are made in interstate jurisdictions on the ownership of animals following conviction for cruelty offences, then those limitations will apply in Victoria — for example, if they are imposed in the Northern Territory, Queensland or New South Wales, they will apply in Victoria. If a person in New South Wales who has been convicted of a serious cruelty offence and, for example, has been banned by the court from owning a dog for three years, that court order will similarly apply in Victoria if the person relocates to Victoria. In areas where there are borders — between New South Wales and Victoria and between South Australia and Victoria — these are very relevant and important provisions, so that part of the bill is strongly supported by the Liberal Party.

Clause 4 is a very minor change, but it is interesting to follow the continuing evolution of this legislation — one could even say the mismanagement of this legislation by the current minister. Clause 4 changes the words ‘in the premises’ to ‘in or on the premises’ to deal with cases when people have search warrants. It is interesting that there have been a number of changes to this over the years under this Labor government. In 2001 we changed the wording in the act to ‘in the dwelling’. In April 2005 we changed it to ‘in the premises’ and now we have ‘in or on the premises’. We keep getting legal interpretations that say the government got it wrong previously. One would hope ‘in or on the premises’ will now fix the matter.

Clause 5 is a change, which again is relatively minor and is strongly supported, to allow a person other than the inspector who is named on the warrant to be able to implement that warrant. Currently the legislation restricts the person who implements a warrant to the inspector named on the warrant. This legislation allows the inspector named on the warrant or another person authorised under the act to conduct the search. Again, that is a welcome change.

Clause 6 also contains provisions that are welcome and will help in dealing with potential prosecutions for cruelty. These provisions deal with the power to seize, and fundamentally powers to seize things that may be relevant in pursuing a prosecution for cruelty to animals. Those ‘things’ also include an animal or animals. The sorts of things that may be seized if an inspector reasonably believes they have been used in connection with the commission of an offence may include things like whips, spurs, cockfighting equipment, battery devices or a range of other things that may have been involved in cruelty to animals which may be very important information and evidence in a court case.

I think it is appropriate that we have powers within the Prevention of Cruelty to Animals Act for those things to be seized. It also provides a very strict process for the procedures for seizure, the documentation of what you seized, the return of seized items if the prosecution does not proceed — they need to be returned in a timely manner — and it also contains provisions for sale or destruction of seized items. If the court cases proceed and people are convicted, the items should not be returned. All of those provisions are logical and sensible. Clause 7 is a consequential change from

clause 6. Clause 8 is about a simple name change from the secretary to the department head, and again there are no concerns with that.

Clause 9 provides new powers for appropriate inspectors to inspect and if necessary seize an animal if it is believed that the animal is being held in contravention of court orders set out under section 12 of the Prevention of Cruelty to Animals Act and proposed section 12A, which is inserted by clause 3 under this bill. I reiterate that in the future these sections will allow for court orders to be made. If somebody is convicted of a serious cruelty offence a court order may be made to prevent that person owning an animal or having an animal under certain conditions for a certain period of time.

Clause 9 inserts new section 24K into the act and allows for an inspector who has a reasonable belief that somebody is contravening the act — for example, if a person has been banned from owning a dog for three years and there is a reasonable belief that the person actually has a dog — to apply, with the written approval of the department head, to a magistrate for a search warrant to enter premises and seize the animal. The magistrate needs to be satisfied by the evidence on oath or affidavit from the inspector that there are reasonable grounds for the inspector's belief — these are important checks and balances — and then the inspector can enter the premises. There are processes for advising when the warrant is executed. The inspector can then seize the animal if an animal is found. There are again procedures outlined in regard to new proposed sections 24N, 24O, 24P and 24Q on how the seized animal is dealt with, and they are appropriate.

However, I will make what I believe is an appropriate suggestion to the minister of some minor amendments that I think would be welcomed with regard to these provisions, particularly in relation to proposed section 24N, and I suggest the minister consider this while the legislation is between here and another place.

Proposed section 24N provides for an opportunity for the sale of a seized animal. It says that if a person is found guilty by a court of being wrongly in possession of an animal, in contravention of a court order, there is provision that the department head may authorise the inspector to offer for sale the animal by auction or public tender, and there is a process for doing that. I have no problems with that whatsoever. However, I put it to the house, to the minister and the government that there are no provisions in the bill for the animal to be appropriately treated prior to sale.

Let me put it in the context of the sort of likely scenario where you have a person who has been convicted of a serious cruelty offence to the extent that the court has posed an order banning them from having an animal, and that is the context in which they have now been found to have an animal in contravention of that order and the animal is seized. I would suggest to the house that in many of those circumstances if the offence involves a dog the person is unlikely to have a chihuahua or French poodle. They are more than likely to have breeds such as a bull-terrier, a bull-mastiff, a Rottweiler, Doberman pinscher or some other potentially more aggressive breed.

I would also suggest to the house that it is unlikely in those circumstances that the person would have had that dog appropriately neutered, vaccinated and appropriately treated. Therefore I would suggest to the house, and suggest to the government, that there ought to be provision in proposed section 24N that prior to the sale of any such animal that the department has the power to neuter, vaccinate and appropriately provide veterinary treatments to the animal so it can be sold with a veterinary certificate and certainly as a neutered animal. It is very important, particularly with regard to neutering the animal, because I strongly suggest that many of the animals seized under those circumstances are the very animals we would not like to be out there in the breeding pool. I suggest that is an issue that may be taken up by the minister. If that is not done while the bill is between here and another place I am sure that, probably in six to 12 months, we will see legislation that makes that change.

Clause 10 deals with menacing dogs. It amends the Domestic (Feral and Nuisance) Animals Act, which contains definitions of 'restricted breed dog', 'dangerous breed dog' and 'menacing dog'. Section 41A is headed 'Declaration that a dog is a menacing dog' and gives a definition of a menacing dog:

> (1) A council may declare a dog to be a menacing dog if —
>
> (a) the dog has rushed at or chased a person; or
>
> (b) the dog has been declared a menacing dog by another council.

Section 19(2) of the current legislation provides that dangerous dogs and restricted breed dogs must be permanently identified, but there is no such provision for menacing dogs. Clause 10 corrects that anomaly so that dangerous dogs, restricted breed dogs and menacing dogs should be permanently identified. Again, that is a welcome change by way of addition to the legislation.

However, I make another point about clause 10. I refer to the commencement provision, which says in clause 2(3):

> If section 10 does not come into operation before 31 March 2007, it comes into operation on that day.

That seems an extraordinary delay for introducing something relatively simple. I seek an explanation from the minister as to why there is a prolonged delay for the commencement of clause 10, when the other clauses come into effect on the day the act receives royal assent. Delaying the introduction of clause 10, which provides simply for appropriate identification of menacing dogs, until 31 March 2007 seems an extraordinarily long time. Unless the minister can provide the house with some explanation, that area should also be looked at while the bill is between houses.

Clause 11, again amending the Domestic (Feral and Nuisance) Animals Act, provides powers for inspectors to seize a cat. This is interesting and some people say that it just brings the powers relating to cats into line with those governing dogs. It provides:

> A cat may be seized by an authorised officer or any other person if it is found in circumstances where the owner of the cat would be guilty of an offence under section 20(1).

Section 20(1) of the act says:

> If a registered dog or cat is found outside the owner's premises without the identification required by section 19, the owner is guilty of an offence and liable upon conviction of a penalty of not more than 1 penalty unit.

Section 19 requires that dogs and cats be registered and have:

> … an identification marker which identifies … the name of the council, the registration number of the animal and the year of registration.

Most of us are familiar with registration tags for cats and dogs. Most people are aware that it is quite easy for dogs to have collars — most have them and have an identification tag on them. However, in the past there has been an issue about cats having collars. There are some real concerns about whether collars on cats are safe. There are collars with elastic that will slip if a cat is caught in a tree or on a fence. I have seen cats without a slip collar that have been strangled by their collar. So there has been a reluctance on the part of many owners for cats to have collars and hence carry a visible identification disc. Microchipping of both dogs and cats — but particularly cats — has been used as a much more favoured identification system because of the concerns about collars and tags.

Therefore I think it is very important for the community to understand that this legislative change will mean that if cats are outside their owners' premises and are not wearing collars with visible tags on them, they are liable to be seized under this legislation. It is certainly very difficult to keep cats in, they are not the same as dogs — they tend to wander a bit. There needs to be a very strong campaign by the government and the department to inform cat owners of these new rules. We need to ensure there is adequate communication before we have problems on our hands.

I also suggest that rather than insisting on all cats wearing collars and tags the government consider whether microchip identification would be suitable identification for cats in all circumstances, and that inspectors carry microchip readers so they can very quickly assess whether the animals are registered and to whom they belong. As a cat owner and a dog owner myself I know how much harder it is to keep the collar and tag on the cat compared to the dogs. The dogs are very compliant and good but the cat tends to be a little bit more mischievous and inventive and it is more difficult to keep the tag on.

Clause 12 deals with a situation where dogs are seized and the owners cannot be located. It provides an opportunity for a council when it seizes a dog to undergo a process of trying to find the owner by sending a registered letter to the owner's address. If the council cannot find a tag or microchip or identify the owner, this provides it with the ability to deal effectively with that dog. Those provisions are welcome.

Before I move on to part 4 of the bill and the amendments to the Fisheries Act, I want to address one other issue with regard to shelters and dealing with the Domestic (Feral and Nuisance) Animals Act. It concerns animal shelters across Victoria. I wish to refer to a press release from the then Minister for Agriculture, Keith Hamilton, dated 4 November 2002 announcing a $1.3 million funding grant to build eight new Royal Society for the Prevention of Cruelty to Animals (RSPCA) animal shelters in regional Victoria. That was November 2002 and it is now August 2005 but a number of those animal shelters have not been built and that promise has been broken in many communities. The member for Gippsland East spoke in here recently about the way the RSPCA and the government have dudded the communities of East Gippsland and Bairnsdale with regard to a promised shelter and the way they are walking away from those communities. I now understand that the government and the RSPCA are walking away from their commitment to build a new animal shelter in

Mildura — another broken promise by the Bracks Labor government to the people of country Victoria.

Finally, I would like to refer to the situation in Portland. There has been an ongoing saga with regard to the promised animal shelter in Portland. At this stage there is still great uncertainty about whether that animal shelter will be built. Despite the very best efforts of the local council and local councillors and the very strong and ongoing efforts of the local branch of the RSPCA, they seem to be getting little or no support from the head office of the RSPCA and the Bracks Labor government, who promised the animal shelter. The government seems to have walked away from the promise and the head office of the RSPCA has been absolutely disgusting in its treatment of the local branch of the RSPCA. I cannot describe what I think about what the RSPCA has done to the local volunteers and the local branch in Portland as anything but disgust and disdain.

The local branch in Portland has been very active in looking after the animal shelter with the shire. It has had significant voluntary contributions. It has been raising funds to pay for the paid workers at the shelter. At the same time through its local shop, where its sells a range of products and goods, it has raised not only the money to pay for the shelter workers to assist in running the shelter in conjunction with the council, but it has also had $90 000 in capital to spend on its new animal shelter. Recently the RSPCA in Melbourne has taken that $90 000 off the branch and told it to go to hell, thumbed its nose at it, ignored and insulted those local volunteers and fundamentally treated them with absolute contempt. I say to the head office of the RSPCA that it is time it actually cooperated with the local branch of the RSPCA and listened to these local, dedicated animal lovers who are working hard for the local community. It should get off its high horse in Burwood and actually get involved in assisting the local community to have the animal shelter built.

I understand in the last few days there has been some progress made. Following strong representations from the local shire council, which dragged the RSPCA officials from Melbourne to Portland, on Friday, 29 July, there was a recommitment from the RSPCA to go ahead with the animal shelter at the Darts Road site. What we need from the Bracks Labor government is to make sure this happens. It was the Bracks government that promised in November 2002 that it would build these animal shelters in Mildura, Bairnsdale and Portland. It has reneged on those promises. It is no good if the government says, 'It is the RSPCA that has walked away from those promises'. It was the then Labor Minister for Agriculture, Keith Hamilton, who made the promise. The government made the promise to the people. The government claimed the credit for those promises. Now the government has to make sure that those promises are delivered. If the RSPCA is not interested in delivering it, let us deal with the local communities directly or let us deal with another agency.

The people at the RSPCA head office in Burwood are not interested in country Victoria, and that seems to be more and more the case. It is only interested in metropolitan Melbourne and radio shows. Hugh Wirth ought to get off his high horse and get out to country Victoria and work with the local branches rather than working against them, insulting them, taking money off them and treating them with contempt. Hugh Wirth and the RSPCA ought to work positively with those local volunteers who are doing a fantastic job at the local level and are being treated very poorly by the management and people at the head office of the RSPCA.

Ms Beattie — It will be interesting listening to the radio next week.

Dr NAPTHINE — I am not alone in these comments. People should look at the *Hansard* record and see what the member for Gippsland East has said on several occasions in here about the RSPCA and the way it has treated volunteers in the local branches in East Gippsland and Bairnsdale. It was exactly the same contempt with which it treated those at the Portland branch. There are people who have worked hard to build up the good name of the RSPCA and who have worked hard to raise funds for the RSPCA. The RSPCA is treating them with contempt.

I only hope there is light at the end of the tunnel. Now that the RSPCA is agreeing to go ahead with the Darts Road facility, I hope it will actually deliver on its promise. But I would not trust it, because it has made this promise before and reneged on it. We need the government to insist that the RSPCA delivers on its promise. If the RSPCA is not interested, it should get somebody else who will do it. I am sure the local people in Portland who are involved in this will put their money up and work with whoever is going to build this facility to get it built in the interest of animal welfare in that area. It is the government who made the promise. It is the government who owes the people of Mildura, Bairnsdale and Portland that shelter. I ask that it gets moving and builds it.

Let me refer to part 4 of the bill, which relates to amendments to the Fisheries Act. Clauses 13 to 15 relate to changes to fisheries notices. I will come back to those. Clause 14 relates to the requirement to

produce documents when people seek them to help effect the collection of information which may be relevant in terms of prosecution to ensure sustainable and solid management of our fisheries. We support that legislation.

Clauses 13 and 15 are linked and refer to changes to the issuing of a fisheries notice. Fisheries notices provide the opportunity for the minister to make a number of changes or management decisions with regard to fisheries right across Victoria. This particular change in clause 15 allows the fisheries notice to include the words:

> … fix and enforce minimum or maximum size limits for any species of fish specified in the notice

I recognise why that is necessary and support the change. However, let me put it in context. Fisheries are regulated in Victoria at three levels. There is the Fisheries Act, there are regulations and there are notices. In level of priority, obviously the act is paramount. The act is considered by the Parliament, subject to reasonable consultation and debate in the Parliament and information is given to communities before the act is passed by Parliament, and there are therefore ample opportunities for people to have their say about changes to the act.

The next tier is regulations. Regulations require regulatory impact statements, notification and enabling people in the community, interested parties and stakeholders to have an opportunity to have a say about changes in regulations that may affect fisheries.

The concept behind the original introduction of notices was that there are times when speed is of the essence and the minister may need to take firm and decisive action immediately or very quickly to protect the sustainability of a fishery. It is usually when there is a time-limited occurrence, usually limited by geography and usually in an emergency situation. The minister may have to make an immediate provision to say, for example, that scallops cannot be dredged for 14 days in a certain area because there are concerns about damage to that fishery; or there may be some algae bloom somewhere, so the minister would issue a fisheries notice so that no-one can catch fish in that area or at that time; or spawning fish may need to be protected. So they are usually short-term occurrences. Section 152 of the act deals with fisheries notices and says:

> The minister, after consultation with the relevant consultative bodies, may by a fisheries notice —

do certain things. So there are provisions that the minister should consult, but fisheries notices must, by their very nature, achieve the quickest and most decisive action to protect a fishery. We understand and support that. The concern is with the change in the bill to enforce maximum or minimum size limits. That may be necessary in those emergency situations, but what we do not want is the current minister or any minister in any future government using fishery notices as de facto regulations and de facto legislation.

There is a role for fisheries notices to protect fisheries and ensure that they are sustainable in a short-term emergency, but they should not be used as a de facto regulation-making process or a de facto legislative process. While these powers are appropriate, I urge the minister to use them wisely and well and in the circumstances in which they should be used and not to circumvent the normal consultation and consideration processes that go with the normal regulations and legislation that cover the broad fishery throughout all of Victoria over the longer period. By their very nature fisheries notices should not be used in that way. While we do not oppose the legislation, I express that word of caution.

In summation, the opposition will not oppose this legislation. We have put forward some positive suggestions to improve it, and I hope the minister takes them on board.

Mr WALSH (Swan Hill) — As has previously been said, the Primary Industries Acts (Amendment) Bill amends three acts of Parliament — the Prevention of Cruelty to Animals Act 1986, the Domestic (Feral and Nuisance) Animals Act 1994 and the Fisheries Act 1995. Two of those acts — the Prevention of Cruelty to Animals Act 1986 and the Domestic (Feral and Nuisance) Animals Act 1994 — particularly relate to responsible pet ownership. The simplest way of putting it is that we are putting in place laws and regulations to control those who are irresponsible pet owners. We all need to acknowledge in this house that the ownership of a pet is a responsibility. It is not a right just to be taken. We need to make sure that that responsibility does not impact on other people in particular who own pets.

Clause 3 of the bill particularly talks about interstate issues. Acting Speaker, you would be well aware of interstate issues as you have demonstrated a passion for those issues in your time in this place. This provision deals particularly with the issue of registration of interstate orders across state boundaries, where similar orders enforced on the other side of the river, in the case of New South Wales, will apply. Previously if someone in New South Wales had an order put on them for the ownership of a dog that is a menacing or dangerous dog and they shifted to Victoria, that order

did not transfer straight across. Now those orders can be transferred from one state to the other, which corrects a major border anomaly. We had the situation where if someone lived in a local government area on the New South Wales side and shifted to the Victorian side, the registration of that dog would not necessarily apply to the other side of the river. I think it is an excellent initiative to correct that border anomaly.

Clause 6 of the bill deals with the 'seizure, destruction and forfeiture of a thing (including an animal)'. Some of the things that may be used as evidence other than an animal in this case are cockfighting spurs and bloody cages. Previously they had to find the animal being involved in an offence, but, as I understand it, the changes in this bill will mean that there are other things they can collect or seize and use as evidence into the future, such as cages, cockfighting spurs, whips or whatever is used to incite animals into fighting. Under clause 6 there are some rules around how that seizure is handled, how the documentation is handled, how documentation and items can be copied, how they are returned and who they are returned to.

In part 3 of the bill several clauses relate to some contentious issues revolving around responsible pet ownership. Clause 10 deals with the identification of menacing dogs as well as dangerous and restricted breeds, particularly the fact that they can be microchipped to identify them into the future.

I would like to spend a bit of time on clause 11, which relates to the fact that cats can be seized if they are found outside the owner's premises without identification. The owner may recover a cat that is seized under this provision or, if it is not recovered, the council may sell or destroy the cat. There is a cost to councils in doing this. I would like to spend a bit of time on the fact that members of the government and the opposition have a very strong focus on the environment. If you consider the things that do a lot of environmental damage in Victoria, cats are one of the most significant animals that have an impact on the environment. Honourable members will recall the recent legislation passed by Parliament that will take the mountain cattlemen out of the mountains, but if they compared the environmental impact of all animals in Victoria, the damage that cattle do is absolutely insignificant compared to the damage that feral cats do across the state and their impact on the native fauna — —

An honourable member — Particularly at Kardinia Park.

Mr WALSH — They don't do enough damage. That is the whole trouble! The problem with cats is that many people are given a kitten; it grows up; they get sick of it; they dump it; it turns up on the roadside; it turns up on farmland; and it turns up in parks.

Each year animal shelters in Victoria receive 48 000 unwanted cats that people do not want. If that is the number that turns up at animal shelters, there would be a significantly greater number than that dumped on the side of the road or just let go in the wild. Of those 48 000 cats, 32 000 are put to sleep by the animal shelters. So there is a cost and an issue of the animal shelters having to deal with all those unwanted cats. The worst period for dumping cats is through the summer, because cats breed more in the warm weather, and particularly around Christmas, when children are given cats or other pet animals. The cat grows up and all of a sudden the children do not want it and it starts to wander, or the family goes on holidays and forgets about it and it disappears. The build-up of the number of feral cats has a huge impact on the environment.

One of the things we would like the Minister for Agriculture to consider in the future is whether we should have compulsory desexing of cats, particularly where cats are sold for profit through pet shops. There may be a real advantage in limiting the population of stray cats by making sure that cats sold for profit are desexed. The Birds Australia Atlas survey shows that over the last 20 years the populations of 15 per cent of Australia's native bird species have decreased. I would put the argument that the major impact on the decrease in native bird population — especially small birds — is cats and, more particularly, feral cats. Anyone doing a bit of spotlighting at night will struggle to find a fox to shoot but there will be no trouble finding cats' eyes out in the paddocks, because there are hundreds of thousands of feral cats across Australia.

One of the animals that is very dear to everyone's heart is the bilby. We have all heard of the native bilby and about the fact that we tried to change people's cultural preference from the Easter bunny to the Easter bilby. This is one animal that has been practically wiped out by the feral cat population across Australia. The native bilby, otherwise known as the long-eared bandicoot, was nearly extinct. There has been a very interesting research project in Queensland where a new colony of bilbies has been reintroduced into a 25-square kilometre area. Before the researchers did this, they erected a 2-metre-high protective fence around the area at a cost of $300 000. The feral cats can now be kept out of that area, and the research work that has come out of the project has shown that once you eliminate the foxes — but more importantly the cats — from the area, bilbies will start to breed up again and go forward, and they are doing that. The feral cat population, as I said, is one of

the biggest environmental harmers of Australia's native fauna.

An honourable member — I thought the bilbies were made of chocolate.

Mr WALSH — No, the bilbies are not made of chocolate. The bilbies are a chocolate imitation of a very dear native animal.

Clause 12 of the bill deals with the seizure of dogs that are suspected of offences and attacks, and when dogs are seized under that provision they can be destroyed in two particular sets of circumstances. One of those is where the owner has not supplied a current address in response to the notice served because of that offence, and the other is where the owner is unable to be identified because the absence of an identification mark or microchip in the dog means that the council cannot serve a prosecution notice within eight days of the dog being seized. Anyone who lives in country Victoria, particularly people who live in the interface areas with the urban areas, whether on the outskirts of Melbourne or around places like Shepparton, Bendigo, Ballarat or larger regional cities, knows that many farms now cannot run sheep because of attacks by roaming urban dogs.

Anyone who has seen evidence of the damage those roaming dogs do would know that it is very cruel way for a sheep to be treated, so it is a very good initiative to make sure that councils have the power to get those dogs quicker and destroy them if they cannot find the owner. But the real challenge is that the dogs are very cunning; it is not that easy to catch a dog that is mauling and killing sheep. They are quite cunning and they take a lot of effort to catch, but when they are finally caught the councils now have more power to deal with them.

Clause 13 of the bill deals with the Fisheries Act 1995. It relates to the setting of minimum and maximum sizes, in addition to the fact that the minister previously had the power to set catch limits and fishery closures for specific issues.

There would be no presentation I have given in this house in respect of fishing or water where I did not touch on the issue of the Murray River. We have heard a lot of talk in this house about how the Murray River is dying; about how all the red gums are dying, the fish are all dying and there is no water up there. But people who go there realise that that is not case, especially in relation to fishing. The fishing on the Murray River in recent times has probably been the best it has been for the last 20 or 30 years. There have been some quite significant catches of fish and some quite large Murray cod have been caught. The cod catch, particularly in my part of the Murray River, has been the best for probably 30 or 40 years. The talk in this house about the Murray River dying — —

Mr Howard — That is coming from your side of the house.

Mr WALSH — No, the talk is coming from your side of the house. The suggestion that the Murray River is dying and we have to take all the water off the irrigators to fix the river is an absolute fallacy, which you can see when you come up there, particularly when you talk to the people who fish on that river. They say that the water quality is the best it has been for a long time; they say that the fishing is the best it has been for a long time; and if you watch the local papers you will see the photos of the large fish that are being caught indicating that it is the best fishing there has been for a long time.

The Nationals do not oppose this bill. It contains some excellent initiatives for improving the issues surrounding responsible pet ownership. I put on the record for the minister the issue of potentially exploring the desexing of cats, particularly cats that are sold for profit. We need to do this if we are going to have some sort of impact in the future on reducing the number of unwanted cats that end up in animal shelters, and particularly reducing the number of cats that are ending up in the feral cat population and having a huge impact on our native fauna.

Mr HOWARD (Ballarat East) — I, too, am pleased to speak on the Primary Industries Acts (Amendment) Bill. We have heard the previous two speakers say they are supportive of this piece of omnibus legislation that clearly attempts to improve three acts already before the house.

The bill relates generally to two areas, and they are domestic animal management issues and fishing issues. In respect of the domestic animal issues, two acts are being varied to improve the operation of domestic animal management. One is the Prevention of Cruelty to Animals Act and the other is the Domestic (Feral and Nuisance) Animals Act. In regard to these acts we have heard that a number of changes are being made relating to the powers of seizure when animal inspectors have been advised that animals are being treated cruelly. In the past they have not been able to seize items they believe have been used to perpetrate cruelty to animals so those items can subsequently be used in pursuing these matters through the courts. This bill enables that to happen and, as we have heard from the other side of

the house, it is accepted as a sensible improvement to the legislation.

We have also heard that orders made in other states have not been able to be enforced in Victoria, so that, for example, somebody who has been the subject of an order in a cruelty to animals matter in another state and has been prevented from continuing to own animals in that state can move over the border into Victoria and as a result that order will no longer be enforceable. The bill enables orders issued in courts in other states to be enforced in Victoria. This is a very sensible thing to do, and I am pleased that through the Primary Industries Ministerial Council the ministers are working together across the Australian states to identify areas where varied legislation across the states is causing problems as people move from state to state. This bill helps to clarify those issues and ensures that orders made in other states can be enforced in Victoria.

As we have heard, the bill allows animals to be seized from persons against whom orders have been made, which has not previously been the case — again, another sensible improvement. We have also heard that in regard to the Domestic (Feral and Nuisance) Animals Act it has been identified that previously it has not been possible to take action against dogs classed as 'menacing' in the same way as it could be taken against those identified as 'dangerous', 'prescribed breed' or 'restricted breed' dogs. Now dogs that have been identified as menacing can be required to be microchipped so they can be identified more easily as they are moved around from municipality to municipality. Therefore the issues relating to their being identified as menacing can also be dealt with.

The house also heard from the member for Swan Hill about matters relating to domestic cats. We know they can be very dangerous animals in the effects they have on populations of native birds and small animals, but unfortunately in the past we have been relatively slow in working to reduce populations of cats that have not been kept responsibly. This legislation will enable that to happen.

In the past if an inspector wanted to seize a cat they had to obtain an order from the council which specifically identified a cat as being a nuisance because it was on other people's property. That system simply has not worked in terms of identifying cats and following through on orders — and if it has worked in some cases, it has been very slow. This change to the legislation will enable cats that are unidentified to be seized if they are not on their owners' properties, and it will enable them to be disposed of after a period of time if the owners have not come forward to claim their animals. It is another sensible change to the act through this piece of legislation, and I am pleased to see that it has been supported by both sides of the house.

One other aspect of the bill that I moved past without noting recognises another anomaly in the legislation. In the past when the owners of dogs found to be causing a problem could not be located, those animals were seized but then had to be kept, because there was no way of legally disposing of them. This legislation recognises that as an anomaly. If the owners of dogs that have been considered to be a problem cannot be found, those dogs can be disposed of. This is a sensible way of responding to legislation that has shown itself to be inadequate in one way or another.

The other area, which we have heard the other side of the house say is a significant part of this bill, recognises issues in the fisheries sector that need to be improved. There are two issues there. One is where fisheries officers have not been able to require people to present documentation and therefore have had to quickly obtain court orders for inspection. People have been able to hide documentation, and the requirement to present documentation has not been enforceable. Now we have improved the legislation so that people can be required to present documentation to authorised fisheries officers without the officers requiring additional notice or opportunity to enter premises to seek out that documentation.

The other issue, as we have heard, is that fisheries notices can be implemented from time to time in response to short-term changes in environmental, social or economic conditions. There has been a shortcoming in the legislation whereby it has not been possible to attach minimum or maximum size limits to fisheries orders, but that could now take place under this legislation. These are very sensible variations. It is very difficult to talk at length about them, because as we have heard they are not being challenged by the other side of the house. They are recognised clearly as straightforward changes that will enable the fisheries or animal officers working in this area to meet their objectives in a much more straightforward and effective manner. It will ensure that incidents of cruelty to animals can be followed through effectively and that our fisheries can also be protected more efficiently as a result. I am very pleased to commend this legislation to the house.

Dr SYKES (Benalla) — I rise to contribute to the debate on the Primary Industries Acts (Amendment) Bill. The member for South-West Coast has covered the detail of the bill very well, so I will make some general comments. I support the strengthening of the

Prevention of Cruelty to Animals Act 1986, because the administration of the act is very difficult and every assistance is welcomed by those at the front line. That assistance may take the form of increasing the legislative powers, or it may involve the streamlining of administrative procedures to assist in achieving successful prosecutions. The assistance can also take the form of political support both to withstand the inevitable criticisms that come from some sectors of the community when the act is being enforced and to ensure adequate funding.

I commend the government for its support of the animal health and welfare activities of the staff of the Department of Primary Industries (DPI) — namely, the vets, the animal health officers and their support staff, who are very well led by the chief veterinary officer, Hugh Millar, and the manager of animal health operations, John Galvin. It was not always the case. Support dropped off in the 1980s, and it has been won back by the outstanding work of the animal health and welfare staff both in their day-to-day activities and in their ability to respond to disasters, including natural disasters, drought and pain, where animal welfare issues can be quite difficult to deal with.

It took the foot and mouth disease outbreak of 2001 to galvanise support for animal health and welfare activities. By contrast the same support does not exist for the DPI's weed and pest control activities. As the member for Swan Hill has mentioned, particularly in relation to clause 12 and the feral cat situation, it is extremely disappointing that support for the front-line staff of the DPI is not there. In this very important activity of controlling feral animals, particularly feral cats, I would have to express my disappointment at the Minister for Agriculture's failure to ensure the provision of adequate funding for that important component of the department's pest animal and weed control activities. This problem has existed for a number of years. If the minister is to do what has been done in relation to animal health and welfare, then he needs to lift his batting performance, perhaps put in a Brett Lee-type performance and get some funding back for the pest animals and weeds side of the Department of Primary Industries.

Returning to the animal health and welfare component, clause 6 provides for the ability of staff to seize things for the purpose of enabling a better prosecution or to destroy seized animals for humane reasons or because of disease. They are sound provisions.

I would like to briefly digress at this stage to make special recognition in this Parliament of John Galvin, the manager of animal health operations. John has not enjoyed the best of health in recent times; in fact he has had one kidney removed and two open brain operations both of which were done while he was fully conscious. John has taken this in his stride, even joking that the doctor should insert a roller door for easier future access to his brain. What is even more remarkable is that he was back at work, albeit part time, within two weeks of his last open brain surgery. As one of John's workmates quipped, even with a few bits of his brain missing he still performs outstandingly well when it comes to clarity of thinking and problem solving. I wish to acknowledge John's wonderful contribution to animal health and welfare and wish him well.

The Nationals support the bill because it will improve our ability to protect the welfare and wellbeing of animals and assist in other matters related to fisheries. There is another related area I draw to the attention of the government — the issue of wildlife injured on roads. In our area a number of people assist these animals, but in particular Gabby Mehagan and partner Rick spend every last cent they have assisting injured wildlife in the Mansfield area. Unfortunately their support is rather limited. The Royal Society for the Prevention of Cruelty to Animals gives them very limited support and the local council due to funding constraints is withdrawing its similar service in the area.

I would ask the minister in his consideration of the broader issues of animal welfare to favourably consider any possible option for assisting Gabby and Rick so they can continue this absolutely fantastic service of looking after the wellbeing of our injured wildlife. I say that in the context of the bill.

As the member for Swan Hill pointed out, the reasons we have the animal welfare provisions included in the bill are to do with the controlling of feral cats. In part one reason we want to control feral cats is to protect our wildlife. In conjunction with reducing the number of feral cats we need to look at protecting wildlife as Gabby and Rick are doing so well.

The other section of the bill that the member for Swan Hill touched on and is near to my heart is clause 12 which relates to dogs and the ability to seize and destroy them if the owners cannot be found. From my own experience the issue of roaming town dogs and the terror they inflict on sheep grazing in the near vicinity of towns is heart wrenching and emotionally destroying. Any improvement in the ability to identify these animals and, if necessary, destroy them is going to contribute to the wellbeing of sheep grazing in the proximity of country towns and also to protect the mental wellbeing of farmers. I can assure you that anyone who has had their stock terrorised by town and

wild dogs finds it a heart-wrenching experience. You do not sleep at night — it just rips the life out of you. I commend this provision of the bill.

Finally, in the last 30 seconds available to me, in talking about the sections that amend the Fisheries Act and the provision for size limits I cannot help but mention that Lake Mokoan has pretty good fishing at the moment. It is fantastic for yellow belly and Murray cod. It is in the interests of everyone to maintain the lake for a long time to come.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house do now adjourn.

EastLink: noise and air pollution

Mr HONEYWOOD (Warrandyte) — I raise an issue for investigation and action by the Minister for Transport. I call on him to ensure that we have appropriate noise pollution and air quality methodologies in place along the EastLink road reservation, both during the construction phase and after cars are using it.

A constituent has informed me that he has been campaigning for a state environment protection policy (road traffic noise), or SEPP (RTN), as an alternative to VicRoads' current noise policy. He was one of about 80 Victorians who made submissions back in June 2002 on this RTN strategy background paper put out by the EPA. A letter from the chairman of the EPA, Mick Bourke, which I have with me, details and apologises for the fact that three years after that promise of a new noise pollution policy, we are still waiting for it. In fact my constituent contacted a Melanie Middleton in the atmosphere and noise unit of the EPA, who admitted to him that the draft policy is with the government. What is an independent watchdog for Victoria's environment doing having to submit draft policies to the government, cap in hand, for the government to decide whether it will let this so-called independent watchdog release them?

Meanwhile, the Southern and Eastern Integrated Transport Authority advises that the VicRoads policy is the criterion that will apply to EastLink for noise attenuation. In the meantime there will be no night-time — midnight to 6.00 a.m. — protection for residents with houses abutting the EastLink reserve. Also the 63 dB(A), or decibels A, limit only applies to ground floor windows, so when you add another 3 dB(A) for the first floor level, where bedrooms are usually located in a two-storey house, the limit becomes 66 dB(A), which is a major problem because the World Health Organisation recommends a 58 dB(A) criteria for daytime.

In 2000 the New South Wales EPA produced a policy close to WHO recommendations for the daytime and night time. So already we have a situation in which noise pollution along the EastLink corridor is well in excess of WHO requirements and standards. In the meantime, and three years down the track, we are still waiting for the good old EPA to deliver its promised separate policy to replace the outdated and inadequate VicRoads noise pollution policy.

Separately, air quality is a major issue. The Environment Protection Authority's air quality monitoring using TEOM (tapered element oscillating microbalance) instruments, which can undermeasure on high pollution days, combined with unresolved questions about air quality monitoring in valleys and the failure by the EPA to provide a road traffic noise policy, as I mentioned, really makes us wonder what the EPA is doing in this important project. Of course serious concerns about air quality monitoring are being raised not just by constituents in the Mullum Valley area of my electorate but by the Heatherdale Road Action Group.

Housing: Percy Street, Chilwell

Mr TREZISE (Geelong) — Tonight I raise an issue for the Minister for Housing in another place. It relates to the Office of Housing flats in Percy Street, Chilwell, which are situated in my electorate of Geelong. I must say that Chilwell is a very nice suburb. The Percy Street flats are now vacant, and have been for 12 to 18 months. They have fallen into a dangerous state of disrepair which raises a health and safety issue for local residents. Therefore the action I seek is for the minister to take appropriate steps and immediate action to have the Percy Street flats demolished.

Last Friday, at the request of local residents Gary Dalton and Trevor Twitt, I visited the site to see at first hand not only their concerns, but those of the residents they represented. I was shocked by the state of the flats. Most of the windows had been smashed and many had been boarded up with corrugated iron. Those windows that had not been smashed will no doubt be smashed over the coming weeks by the local youth. A number of flats had been burned out, and the so-called garden was an overgrown mess.

The site sits in the middle of a well-maintained area of Chilwell, and has become an eyesore to the detriment of other people's properties and to the ambience of the surrounding neighbourhood. But worse, although the area is fenced off it still poses a significant community health and safety risk. From a health perspective, residents have reported that feral cats, and no doubt vermin like rats and mice, are also a problem. Safety is also a major concern, especially given it sits directly opposite a park frequented by a lot of young people. The flats are no doubt like a magnet to children looking for a bit of adventure, but they are not aware of the hidden traps that sit amongst the building — and not only hidden traps but traps that are very obvious to most people. Many of the flats have had their doors kicked in and so are accessible to the children that I am talking about.

I am aware that the local Office of Housing office is aware of the problem. It is a very effective organisation locally and no doubt it will be taking steps to have this problem rectified. But tonight I call on the minister to ensure these flats are demolished forthwith and replaced with a quality public housing facility that will be quickly snapped up by those on the waiting list in Geelong.

Elmore field days: sewerage facilities

Mr MAUGHAN (Rodney) — I wish to raise a matter for the attention of the Minister for State and Regional Development, and it concerns the provision of reticulated sewerage for Elmore field day sites. The minister will be well aware that I wrote to him on this topic on 14 April 2005 and have since discussed the matter with him personally. The minister is also well aware that Elmore and District Machinery Field Days held its first field day in 1964, that it is run almost exclusively by a voluntary committee of 95 volunteers, with a further 38 volunteers on the catering committee.

Since 1964 the committee has purchased and developed its own site of 354 acres at a cost of $2.5 million and has given back to a wide range of community organisations a massive $1.775 million. Beneficiaries, which number more than 100, include the Rochester and Elmore District Health Service, a wide range of sporting and community organisations, swimming pools, schools, fire brigades and the like. This has saved the government a considerable amount of money which otherwise would have been provided in government grants to these organisations.

The field day committee is now aiming to utilise its magnificent facilities for other activities, and during the last two years the site has been used on 228 days. The Scouts Australian Jamboree, which is expected to attract more than 10 000 participants, is to be held at the site in January 2007. Prior to that the committee wishes to connect to Coliban Water's Elmore reticulated sewerage scheme at an estimated cost of $660 000.

At a meeting that was held on the site on Wednesday, 3 August, and attended by Terry Fitzgerald from the Bendigo office of the Department of State and Regional Development, it was proposed that provided the project was supported financially by the Shire of Campaspe, the state government would be asked to contribute $200 000 and the commonwealth $200 000, and that the field day committee itself provide $220 000.

I therefore strongly commend this very worthwhile project to the minister and ask that he give it his speedy and sympathetic consideration, given that the field day committee has received virtually no government funding in the whole of the period it has been operating and has given so generously to such a wide range of worthwhile community organisations.

State Emergency Service: Knox unit

Mr LOCKWOOD (Bayswater) — I raise a matter tonight for the Minister for Police and Emergency Services. The action I seek is for the minister to advise the Knox State Emergency Service on ways it can obtain funding to replace or renovate its building. The Knox SES does a great job, whether it be attending road accidents, in which it specialises, responding to storm damage or the myriad other emergencies that require its skills — and it is a highly skilled group.

I recently had the opportunity to meet with my local SES and was shown over its premises and equipment. Brett Taylor, the controller, and Karen Afif were keen to conduct the tour and introduced me to members of the crew. I even got to sit in on a lesson about car construction, which is useful for those who need to prise cars apart in a crisis! That happened because they have a group of trainees at the moment who will add numbers to the volunteers already available. The training required is quite extensive, obviously, since all volunteers have a responsibility to perform well for the community, and we have a responsibility to the trainees to ensure they are properly equipped with skills as well as with equipment.

The Knox general purpose vehicle is 13 years old and still serves the unit well. The one problem the unit has is lack of space and the age of its building. A new general purpose vehicle would not fit into the existing building. The building is provided by council, but any replacement or enlargement would involve significant

fundraising by the unit as well as council contribution. The unit is seeking advice of the funding options available. It runs an annual appeal through an envelope placed in Knox letterboxes. This means that letterboxing is also part of its routine — albeit only once a year. This year the Knox Charity Ball was run to benefit the Knox State Emergency Service and it raised several thousand dollars. The support by Knox council of its SES is much appreciated.

The equipment provided by the state government with this year's budget is also very much appreciated. Knox sent four representatives to the thankyou function at Parliament House last night — Kerryn Jensen, Sarah Douds, Peter Gaul and Shane Davey. They were very pleased to hear about the new structure of the SES in Victoria, which is the subject of a bill before the house at the moment. They took the opportunity to tell me about the needs of their unit, one of which I am seeking assistance with tonight. It was great to see these four at Parliament House on behalf of their unit.

The Knox unit has a proud record. Whether it be a result of stormy weather or unfortunate driving, the Knox members are ready to respond quickly to save lives and property. As we all know, the SES is an all-volunteer service which responds to floods, severe storms, earthquakes, road accident rescue, search and rescue, bushfires and heatwaves, and supports other emergency service agencies. It has a major role in formulating municipal emergency plans — emergency planning is a very important function. Needless to say, in these times of possible terrorist attacks the need for planning is greater than ever.

Members are drawn from all walks of life — from shop assistants to police officers and from housewives to tradesmen. There are a few Knox council employees on the roster, which provides a significant convenience factor, given that the council building is only a couple of minutes away from the SES depot. It is great to see the council employees doing their part for the community. I congratulate the Knox SES on the great work it does and seek assistance from the minister in advising the unit of ways to raise funds for a new building.

Planning: Inverleigh Golf Club

Mr MULDER (Polwarth) — The matter I raise is for the Minister for Planning and concerns a request by the Inverleigh Golf Club to the Department of Sustainability and Environment that the golf club land be reserved for conservation and recreation purposes and that the golf club be appointed as the committee of management.

Despite numerous requests from the golf club committee and my representations to the Minister for Environment, this request continues to be denied. We have been told that it is department policy for golf courses to be leased and that the reservation of Inverleigh golf course would be inconsistent with this policy. How is it that the Avoca, Snake Valley and Winchelsea golf clubs, to name but a few, have had committees of management appointed, but the Inverleigh Golf Club continues to be denied? Given this fact, I ask that the minister immediately instruct the Department of Sustainability and Environment to act on this matter and allow a committee of management to be appointed at the Inverleigh Golf Club, thereby giving it the same opportunity as has been given to other golf clubs around the state.

This request had its genesis in 2002 with an offer by the then Department of Natural Resources and Environment to sell the golf club land to the Inverleigh Golf Club for $50 000. Due to a number of issues, including the complexity of paperwork associated with a management plan coupled with a council rezoning, the offer was not taken up at that time. In 2004 the land was revalued by the Valuer-General; the current valuation is $96 892 and the club's current lease payments have increased to $2970 per annum. Given this new valuation and the increase to its lease payments, in December 2004 the Inverleigh Golf Club committee made a decision to approach the department with a request that the land be reserved for the purposes of conservation and recreation and the golf club be appointed as the committee of management.

The latest representations to the minister made in March this year have finally resulted in a response, dated 2 August. However, it contains yet another denial of the request. Surely it is commonsense that this land be reserved and not sold outright. The spectre of the golf club land being on-sold to developers in the future looms large — an example being the recent debacle in Geelong. Surely it is commonsense that the $96 892 be used instead by a committee of management to maintain, revegetate and generally take care of this piece of land for the continuing use of the local community.

I ask the minister to ensure that commonsense prevails in this case. We are not talking about an elitist or exclusive golf club; Inverleigh is a very small community. The committee of management, as indeed is the current committee which runs the golf club, is made up of mainly aged people. They are trying to retain a facility and are struggling to meet the lease payments, but are prepared to act as caretakers of this land to ensure that it is retained for the community of

Inverleigh. As I said, I ask the minister to ensure that commonsense prevails so that they can retain this facility for their town.

Children: autism-specific education

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the attention of the Minister for Education Services. I ask her to promptly advise parents of children with autism spectrum disorder (ASD) of the new northern venue of the specialist autism education service. I recently received an invitation from the Early Childhood Autism Service to attend a public meeting on 26 July. I was unable to attend and sent my apologies, but I asked what I could do to assist. A very articulate and impressive advocate for children with ASD, Ms Helen Shanahan of Pascoe Vale South, sent me an email which outlined clearly the needs in our area.

Early childhood professionals in the northern metropolitan region have been informing the Department of Education and Training about the need for autism-specific education in the north for a number of years. The number of children diagnosed with ASD has grown dramatically over the period during which they have been advocating. Many in this house are aware that ASD is being diagnosed more often now. In the past children from the north were able to access autism-specific schools in both the east and the west. Over in the west there is the great Western Autistic School, and in the east there is the Bulleen Special School. However, due to the increase in numbers, quite frankly we need a new and permanent site in the north.

Representatives from the northern metropolitan region of the Department of Education and Training have verbally advised a number of parents that the Preston Special Development School would be available as a site from 2006 if the government agreed. I spoke to representatives of that school personally to ascertain and confirm that their school council supported the proposition that their school could be that site, and they were extremely supportive and welcoming of children and parents with these particular needs.

The experience I have had is that the Minister for Education Services has been highly responsive to calls such as this. In the current academic year we had extra places allocated to the Western Autistic School, but unfortunately a number of parents did not get that advice until very late. Children with ASD and their families need to have this advice early. It is important that the government give exact advice about its decision and that that be done as soon as possible. The families of children with high-level needs function much better when they receive high-level support from the state.

Police: Sandringham

Mr THOMPSON (Sandringham) — As long as a police station remains unbuilt in Abbott Street, Sandringham, the Labor Party will remain accountable for the non-fulfilment of a core election promise it made on the eve of the 1988 state election, when it said that if it was re-elected it would build the new police station in Sandringham. I can hear the echo of laughter in the parliamentary chamber, and while the — —

The SPEAKER — Order! The member is required to direct his adjournment matter to a specific minister.

Mr THOMPSON — I direct my matter to the attention of the Minister for Police and Emergency Services. As I respond to the echo of laughter in the chamber, so too there is an echo within the Sandringham electorate as a consequence of the failure of the Labor Party to fulfil an election promise between 1988 and 1992 and again between 1999 and 2005.

Mr Nardella — What happened from 1992 to 1999?

The SPEAKER — Order! Without the assistance of the member for Melton.

Mr THOMPSON — I welcome the assistance of the member for Melton, Speaker, because the one difference between the Liberal Party and the Labor Party was that the Liberal Party did not make a core election promise that it failed to fulfil. The Liberal Party's achievement in relation to this matter is that the land that was required for the police station was retained in state ownership in order to keep alive the possibility of the promise being fulfilled by the Labor Party.

The immediate concern I wish to raise with the minister, however, relates to a matter raised with me by a local constituent, who drew my attention to the failure of police to attend the scene of an accident at the corner of Bruce Street and Haydens Road, Black Rock at approximately 11.00 a.m. on Thursday, 14 July 2005. I was advised that a neighbour notified police at the time of the accident but was informed that as there was no-one injured in the accident they would not attend.

My constituent queried this response with the police on traffic duty the following day and was assured that this was the appropriate response. I understand that the vehicle involved in the accident hit a rubbish bin and then narrowly missed a parked car before running into a

pole at the intersection. It then spun out of control before hitting a tree on the nature strip. The residents near the scene of the accident were concerned that the vehicle was not driven in an appropriate manner and felt there was a possibility of charges being laid as a result of the accident.

I seek the advice of the minister as to whether it is the response of the police that when they receive information from the public regarding circumstances where the driver's capacity is under question, they only attend an accident if someone is injured. We heard the minister today advise the house of reductions in a range of crime statistics. The key question this begs is have they changed the method of collection in their approach as the case in Sandringham is clearly not satisfactory?

Port Phillip Bay: channel deepening

Ms BUCHANAN (Hastings) — I raise a matter for the attention of the Minister for Transport. Many businesses operate in or rely on access to Port Phillip Bay. I ask the minister to ensure that appropriate consultation processes are undertaken to allow these businesses the maximum opportunity possible to access the bay during the trial dredging process. Port Phillip Bay is a key economic driver for many businesses, including divers, ecotourism operators, sailing and fishing operations and, of course, importers and exporters through the port of Melbourne. The port is a vital institution for our state's community, handling nearly $70 billion in trade and contributing over $5.4 billion per annum to the Victorian economy. It is also responsible for the livelihood and employment of around 80 000 Victorians.

More than 98 per cent of Victoria's trade occurs through sea transport, and the port handles around 40 per cent of Australia's total container trade. The long-term viability of the port of Melbourne is imperative for our farmers, essential to manufacturers and fundamental for a healthy economy. At the same time the long-term sustainability of Port Phillip Bay must be protected to allow businesses such as divers to continue to operate in a tremendously important environmental asset.

However, these two outcomes are not mutually exclusive. The process being undertaken by the Bracks government in relation to the proposed channel deepening has sought an outcome which will grow our prosperous economy while protecting the ecological significance of the bay. The proposed project has been staunchly supported by the Victorian business community and even the federal Liberal Party. When interviewed last week by Jon Faine, the Prime Minister gave a clear indication that the commonwealth supports the state's position. The federal environment minister, has also been involved in the approval of trial dredging, which was recommended by an independent panel. I presume that the federal minister's parliamentary secretary, Greg Hunt, also supports the trial dredging since he so often claims credit for state government initiatives and projects.

Even the Honourable Ron Bowden, the member for the South Eastern Province in the other place who is the Liberal Party spokesperson on ports, suggested that the state Liberal Party supports the proposed project. Along with my constituents I am confused that Liberal members in this house such as the members for Nepean and Mornington cannot decide whether to support or oppose trial dredging and the proposed channel deepening project.

An honourable member interjected.

Ms BUCHANAN — You want to bet? Over the next nine weeks the trial dredging process will collect substantial data for dredging, turbidity and sediment management models as recommended by the independent panel report. As I stated earlier, we can have positive outcomes for our economy and our environment through this process. In the meantime it is important to businesses relying on the bay to have the opportunity to provide their winter season services and activities in the region. It is my understanding that relevant businesses can apply for exemptions to current exclusion zones provided that occupational health and safety requirements are not compromised.

I hope the minister will ensure that proper consultation takes place to allow these operations to continue where possible. It would also be nice if the Liberal Party could define and confirm which side of the channel deepening debate it is actually on. It would be nice to know.

Building industry: warranty insurance

Mr BAILLIEU (Hawthorn) — I raise a matter for the Treasurer regarding his inquiry into housing regulation in Victoria, which is being conducted by the Victorian Competition and Efficiency Commission (VCEC). The inquiry was established by the Treasurer in November 2004. I specifically ask the Treasurer to act immediately to prevent the gross intimidation of witnesses to that inquiry, particularly in regard to the issue of home warranty insurance.

The Victorian Competition and Efficiency Commission is examining home warranty insurance, and members should understand that it is still an issue. It has not been

fixed. It has been raised many times in this house by the Liberal Party, by The Nationals and even last night by the member for Gippsland East. The issue runs to the treatment of small builders in particular in the face of the virtual monopoly of Vero Insurance Ltd.

A number of groups made submissions to the inquiry and a number of groups appeared as witnesses, including Vero and the Builders Collective of Australia (BCA), a volunteer group of builders. A draft report was released in July 2005. Interestingly that report effectively adopts the Vero submission and ignores other submissions. On 15 July Vero's solicitors wrote to the BCA threatening to sue the builders collective if parts of the submission that the builders collective had made were not withdrawn or rewritten. Not surprisingly the volunteers at the BCA perceived this as a highly intimidating act, particularly as the Victorian Competition and Efficiency Commission was seeking responses to the draft by 26 August.

Tonight I have received further information from the BCA. The BCA wrote today, 10 August, to VCEC commissioner Robert Kerr raising the legal threat made by Vero and seeking protection from VCEC. In particular Mr Phil Dwyer, the national president of the BCA, described this legal action as:

> … intimidation by Vero Insurance against the builders collective …

He went on to say:

> Not only am I very concerned about these threats to the builders collective but I am very perturbed that my own business may suffer irreparable damage as a result.
>
> In addition, I feel the inquiry is now at risk of being used as a vehicle to hinder and thwart free speech and genuine public comment. It is of great concern that one witness to your inquiry is able to intimidate another witness with whose views they disagree — after all, isn't that the nature of such an inquiry — to gain alternative viewpoints?

Further, he said:

> … I ask the commission to urgently advise what protections are accorded to the builders collective in relation to submissions already made to your inquiry and submissions to be made in the future. I also ask what action either the commission or the BCA can take to prevent intimidation of witnesses. The action of Vero Insurance has apparently been kindled by the publication of our written and verbal submissions to the VCEC web site.

A very disturbed BCA got a response this evening — admittedly quickly — from VCEC which says:

> Submissions to the commission do not however have the benefit of parliamentary privilege or similar protection … I hope that … you are not intimidated from doing so.

An extraordinary admission: 'I hope'! Is that the best it can do? The minister must act.

Glenvill Homes: complaints

Ms MUNT (Mordialloc) — I would like to raise a matter for the attention of the Minister for Planning. The action I seek is for the minister to investigate the claims and experiences of Mr Balkin, who is one of my constituents, and other customers who have had bad experiences with Glenvill Homes with a view to ensuring that their experiences are not repeated.

I am sure that many members have been approached by constituents with building issues, and it is good to know that whilst there are over 90 000 permits issued every year, there are only 1600 or so written complaints. The government's dispute resolution service manages to resolve 60 per cent of those issues and another 39 per cent are referred to more appropriate bodies or withdrawn, while only 1 per cent actually go to the Victorian Civil and Administrative Tribunal (VCAT).

However, in every bunch there is a bad experience or two that does not fit this picture, and in my case Mr Mark Balkin seems to have come across that bad egg. He has been in contact with me regarding his ongoing problems with Glenvill Homes since November 2004. His house was scheduled for completion in July 2003. The builder has walked away from the unfinished house and has taken Mr Balkin to VCAT for non-payment of the final instalment. That is the builder's right. However, Mr Balkin maintains that the house contains major faults, no appliances have been fitted and there is no certificate of occupancy. For instance, a recent building commission report notes that the entire brickwork has been classified as defective.

Mr Balkin's costs are escalating and he has had to find other accommodation for his family. He cannot live in a house with no certificate of occupancy. He is paying off a mortgage on it and paying rental accommodation for his family as well. I understand that the government cannot intervene if the case is before VCAT, but we can learn from Mr Balkin's tale and seek to ensure that it does not happen again.

The SPEAKER — Order! The time for raising issues has expired. Just before I ask the ministers to respond, a couple of the items raised this evening really are very much on the borderline of what is admissible, particularly those raised by the members for Bayswater and Sandringham. I remind members that the point of the adjournment debate is for members to identify a problem with the minister and ask the minister to take action to resolve that problem. Asking a minister to

give advice on a matter does not technically fall within the guidelines of the adjournment debate.

Responses

Ms ALLAN (Minister for Education Services) — I am delighted to rise this evening to respond to the matter raised by the member for Pascoe Vale, who as this house knows is a very strong advocate for children with a disability not just in her electorate but right across the state of Victoria. The member called for me to make a prompt announcement regarding the creation of a specialist school for autistic students in the northern suburbs. The member for Pascoe Vale, like many members across that region, is well aware of the pressures on our school system in catering for students with autism and the whole range of disorders across the autism spectrum disorder.

I am very pleased to announce to the house this evening — and I will be following this up with an announcement at the school tomorrow — that from next year the Preston Specialist Development School will be providing for autistic students. It will become known as the Northern Autistic School to complement the work that is done at our other autistic schools across Melbourne that are already in place. This is to provide support for an area where we know there are a number of parents who are very concerned about the needs of their children who have been diagnosed with autism and who are looking for special settings.

I am very pleased, particularly for parents in the northern region who have been concerned about the future for their students, that we are going to provide this support from 2006 at the Preston Specialist Development School.

We are estimating that 30 additional students with autism will be attending the school. This is in addition to the number of students who already attend the school who have been diagnosed with autism along with other disorders. I would like to thank those members in the northern region, particularly the member for Pascoe Vale, who has lobbied very strongly for this to happen. I would like also to thank the school community, the principal, the parents and the teachers, who have been working very hard towards this aim. I look forward to joining the school community and local members of Parliament at the Preston Specialist Development School tomorrow morning to confirm this announcement.

Mr BATCHELOR (Minister for Transport) — The member for Hastings has asked me to ensure that the Port of Melbourne Corporation has in place appropriate consultation processes with the community during the trial dredging project. Firstly, I would like to thank the member for Hastings for bringing this matter to my attention, and through that the attention of the broader Victorian public. I can inform the member that a number of measures are in place or will be put in place to ensure that all members of the community are appropriately consulted in regard to this very important trial dredging project.

For example, I can advise the Parliament tonight that the Port of Melbourne Corporation has established an advisory committee, which will act as a forum for consultation between the port and a broad range of stakeholders. It is a large group. Some 18 appointments have been made to this advisory committee — 18 because it wants to represent a very wide range of interest groups that include community and environmental groups, tourism groups, local governments, unions, business, port and other port-related interests. They are all going to get together and consult with their respective stakeholder groups and discuss those interests of mutual concern with the Port of Melbourne Corporation.

Representatives from specific recreational bodies such as diving, fishing and boating groups have also been included. I understand also that the public consultation process is occurring at relevant municipalities, including a public meeting tonight at Queenscliff, which I understand the Parliamentary Secretary for Infrastructure is trying to attend. Meetings will be held not only tonight at Queenscliff; they will be held on the Mornington Peninsula and in the cities of Port Phillip, Hobsons Bay, Kingston and Frankston over the coming weeks. There is a lot of local consultation taking place.

As well as this there is a free-call 1800 number, which is 1800 731 022. I ask members of the Parliament to give the number a call. Members of the public are certainly taking advantage of it.

Mr Baillieu — What is the number again, Peter?

Mr BATCHELOR — It is 1800 731 022. It is available now. Any member of the community can ring this number and seek further information on the project. They can get the Port of Melbourne Corporation to get back in contact with them.

In addition to this free-call number, specific consultation is occurring with key groups within the community to address issues relating specifically to their organisation. What do I mean by that? Regular one-on-one consultation will take place with the Dive Industry Victoria Association to discuss the possible

effects on commercial divers. Divers from DIVA have also been offered training by the Port of Melbourne Corporation and given the necessary equipment to monitor visibility when they are diving at a particular site.

I understand that there is a clear two-way process in place for the professional divers to provide feedback to the Port of Melbourne Corporation on results they are getting during their dives as well as the Port of Melbourne Corporation providing feedback to the divers. This is a clear example of interested parties working together cooperatively to ensure we get the greatest outcome for all Victorians.

Honourable members interjecting.

The SPEAKER — Order! The member for Nepean and the member for Warrandyte are both out of their seats, and I ask them to be quiet.

Mr BATCHELOR — They are out of their depth, too! I understand that following direct consultation with DIVA the 500-metre exclusion zone for people in the water around dredge vessels has been exempted for commercial divers when it is safe — of course this will not occur at the entrance, as all parties have agreed that it would not be safe to dive during dredging. This is another example of the cooperative spirit between specialist groups and the Port of Melbourne Corporation. An exemption was granted to a commercial dive operator last Sunday when the *Queen of the Netherlands* was dredging in the south channel east, so this is already in place.

Another example is meetings and consultation with members of the St Kilda breakwater penguin rescue group. I understand that the Port of Melbourne Corporation has extended invitations to this group to be on board a monitoring vessel and to be part of the penguin monitoring program with the Port of Melbourne Corporation ecologist. The Polperro Dolphin Swims nominee has also been extended the same invitation. This demonstrates that this is a government for all Victorians. We are determined to work with all Victorians to cooperate in this partnership approach in making sure that these important projects can proceed; they are projects that will make Victoria a better place to live and raise a family.

The member for Warrandyte raised with me the issue of noise walls and appropriate treatments on the EastLink project. He said now, as opposed to what he said in the past, that we should introduce a draft policy as opposed to the appropriate policy. It is important to understand that the EastLink project will deliver high-quality noise treatments in accordance with existing VicRoads policy. The concession deed, which has already been signed and is in law, in effect provides for a noise abatement policy in similar terms to the existing statewide VicRoads policy on the reduction of freeway noise to nearby residents. The government will be putting in place for the people of the east and south-east of Melbourne a similar policy that applies on other freeways across Victoria.

This policy will see high-standard noise walls — some as high as 10 metres — that will reduce the impact of noise on residents. This is the exact sort of noise wall that the member for Warrandyte asked to be installed on the EastLink project, and I cannot understand why not so very long ago, in 2004 — —

Mr Honeywood — On a point of order, Speaker, I think the minister must have listened to a different member tonight. I did not mention noise walls; I asked about an Environment Protection Authority noise policy — nothing to do with walls. Could the minister actually address my question, which related to why the EPA is three years late with the noise policy and is still relying on the inadequate VicRoads policy?

The SPEAKER — Order! The member is debating the issue. There is no point of order.

Mr BATCHELOR — A noise-abatement policy leads to the installation of noise walls because it is the noise walls that reduce the impact of noise on nearby residents. In the second-reading debate on the Mitcham–Frankston project in May 2004, the member for Warrandyte asked for a particular noise policy to be implemented. The sort of noise policy that the member for Warrandyte asked this Parliament to introduce is the policy that we will see implemented on the EastLink project. As appears in *Hansard* of May 2004, he asked that we make sure that when this project proceeds it has similar noise walls to those on that section of the Eastern Freeway between Doncaster Road and Springvale Road.

The noise walls on that section of the Eastern Freeway were installed by the previous Liberal government. They are award-winning noise walls and the sort of noise walls that the member for Warrandyte asked to be installed on the EastLink project — and the government is going to do it. The government listens even to the member for Warrandyte. We are going to give the people along the EastLink project the same sort of noise walls. It is absolutely hypocritical for the member for Warrandyte to come into the chamber in 2005, having received some advice from a person who wanted some alternative proposal put in place. I am afraid it is too

late; the concession deed has been signed. The government would have to tear it up!

I know that members have been waiting 300 days to hear the official policy of the Liberal Party on the tolls but, in terms of the noise-wall policy on the EastLink project, we have done what the member for Warrandyte asked for. The government is not proposing to rip down those noise walls. The noise walls that will be part of EastLink project are designed by the same architect who designed the noise walls on the Eastern Freeway in that section between Doncaster Road and Springvale Road. They are of a similar quality and exactly what the member for Warrandyte asked for. It is the height of hypocrisy for the member for Warrandyte to come in now and ask for something different and pretend that he did not ask for that standard. The government has delivered — —

Mr Mulder — On a point of order, Speaker, I just seek clarification from the minister in relation to the phone number he provided to the Parliament in his previous response to the matter raised by the member for Mornington. He gave 1800 731 022 as the number for members of the public to ring for information. We have just rung that number and found that there is a recorded message on it. I thought the information was something that anyone could request. Has he given us the right number, or has he misled the Parliament?

The SPEAKER — Order! The member for Polwarth is not raising a point of order; he is making a point in debate. Therefore I overrule his point of order.

Mr BATCHELOR — It is an irrelevant point. We are talking about EastLink. There is no trial dredging out there; they are tunnelling. You do not know the difference between tunnelling and dredging!

Mr Mulder interjected.

The SPEAKER — Order!

Mr BATCHELOR — There are wetlands — —

Mr Mulder interjected.

The SPEAKER — Order! The member for Polwarth! The minister will address his comments through the Chair.

Mr BATCHELOR — The government has implemented the desired policy — the one the member for Warrandyte wanted us to implement. The VicRoads policy, which in effect sets a standard of 63 dB(A), is the same standard to which the Liberal Party built the CityLink project. This is a second example of a hypocritical statement by the member for Warrandyte, who will say anything — in this chamber or outside — to get a cheap headline!

Mr HOLDING (Minister for Police and Emergency Services) — The member for Sandringham raised a matter with respect to an accident that occurred in Sandringham where, as I understand it, a driver hit a pole, the kerb and then another vehicle. The police were called but did not attend because there was no apparent injury. However, local residents were concerned that the driver of that vehicle may have been intoxicated. I am happy to gather further information for the benefit of the honourable member and get back to him. The usual policy of Victoria Police has been not to attend in circumstances where there is only property damage, but obviously there is a policing and public safety imperative in a situation where there is some allegation that a driver is not in full control of his or her faculties. We will gather further information on the circumstances of that incident and get back to the member.

I can assure the honourable member that despite his suggestion that the crime statistics released today may have in some way been the result of collecting data in circumstances such as the incident he described, in fact the crime collection statistics of Victoria Police are oversighted by the Council of Australian Governments. They are excellent data and we all take great pride in the results Victorians have celebrated today which show there has been a 7.3 per cent reduction in Victoria's crime rate over the past 12 months.

The member for Bayswater raised a matter in relation to the refurbishment and upgrade of the Knox State Emergency Service (SES) facilities. I know the member for Bayswater is a great supporter of emergency service organisations in his electorate. Last Sunday we had the pleasure of attending the Bayswater Country Fire Authority (CFA) brigade, where we heard a presentation from the captain, Craig Ferguson, and other brigade members about the fantastic work they are doing in supporting their local community, and saw some of their fire drills. It was a great privilege to see the professionalism of those firefighters and the work they do protecting the Bayswater community and surrounding communities.

It is always a great pleasure to see the great work SES units do throughout the state in responding to floods, storms, road accident rescue, search and rescue and other activities. They do it on a voluntary basis and as a state government we are pleased to support them in every way we can. In fact, last night many members of Parliament joined in presenting SES volunteers with

new personal protective wet-weather gear, overalls and boots, which will help them carry out their important duties — more than $1 million worth of state government assistance. In addition, we are currently debating legislation which will establish the SES as a statutory authority.

An important part of the things the state government is doing to support the SES, and something that is very relevant to the request made by the member for Bayswater, is the ongoing rollout of our community safety emergency support program (CSESP) grants which support volunteer emergency service organisations such as the CFA, the SES and Life Saving Victoria. That program can be used not only to support the purchase of new equipment and appliances but also to support the refurbishment of facilities.

We have already seen several iterations of the CSESP grants rolled out across the state in recent years; I think some 176 separate grants have been made to different SES units across the state. We will shortly launch the next round of CSESP funding and the Knox SES unit will be eligible to apply for that funding. The support sought by the member for Bayswater is directly relevant to the needs of the Knox SES unit. I would encourage the unit to work with the City of Knox, which as the local council has a special responsibility to provide resources and facilities to support its SES unit, and make an application under that program when it is announced. We look forward to seeing that unit and other units around the state making applications and seeking support to make sure they continue providing the tremendous service they do to Victorians right across the state.

Mr PANDAZOPOULOS (Minister for Gaming) — The member for Geelong raised a matter for the Minister for Housing in another place about the Percy Street flats. I will pass that on to the minister.

The member for Rodney raised a matter for the Minister for State and Regional Development about sewerage upgrade needs for the Elmore field day sites. I will pass that on to the minister.

The member for Polwarth raised a matter for the Minister for Planning about the Inverleigh Golf Club's committee of management. I will pass that on to the minister.

The member for Mordialloc also raised a matter for the Minister for Planning. This was about investigating claims from a constituent about Glenvill Homes. This is a very serious issue and I will pass it on to the minister.

The member for Hawthorn raised a matter for the Treasurer about the Treasurer's inquiry into housing regulation in Victoria. I will pass that on to the minister.

The SPEAKER — Order! The house stands adjourned.

House adjourned 10.50 p.m.